

## SENATE

MONDAY, February 7, 1927

(Legislative day of Saturday, February 5, 1927)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed resolutions (H. Res. 411) adopted as a tribute to the memory of Hon. CHARLES E. FULLER, late a Representative from the State of Illinois, and Hon. WILLIAM B. MCKINLEY, late a Senator from the State of Illinois.

The message also announced that the House had passed a bill (H. R. 16775) to limit the application of the internal-revenue tax upon passage tickets, in which it requested the concurrence of the Senate.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 3928. An act authorizing the designation of an ex-officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes;

H. R. 10900. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding \$30,000 for the purpose of improving the town's waterworks system;

H. R. 11843. An act to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front, and for other purposes;

H. R. 15649. An act to provide for the eradication or control of the European corn borer; and

H. J. Res. 292. Joint resolution to amend the act entitled "An act granting the consent of Congress for the constructing of a bridge across the Delaware River at or near Burlington, N. J.," approved May 21, 1926.

## CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	Lenroot	Robinson, Ark.
Bayard	George	McKellar	Robinson, Ind.
Blease	Gerry	McLean	Sackett
Borah	Gillett	McMaster	Schall
Bratton	Glass	McNary	Sheppard
Broussard	Goff	Mayfield	Shipstead
Bruce	Gooding	Means	Shortridge
Cameron	Gould	Metcalf	Smith
Capper	Greene	Moses	Smoot
Caraway	Hale	Neely	Stanfield
Copeland	Harrell	Norbeck	Steck
Couzens	Harris	Norris	Stephens
Curtis	Harrison	Nye	Stewart
Dale	Hawes	Oddie	Trammell
Deneen	Healin	Overman	Tyson
Dill	Howell	Pepper	Wadsworth
Edwards	Johnson	Phillips	Walsh, Mass.
Ernst	Jones, Wash.	Pine	Walsh, Mont.
Ferris	Kendrick	Pittman	Warren
Fess	Keyes	Ransdell	Watson
Fletcher	King	Reed, Pa.	Wheeler

Mr. JONES of Washington. I desire to announce that the Senator from Connecticut [Mr. BINGHAM] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. BRATTON. I wish to announce that my colleague [Mr. JONES of New Mexico] is necessarily absent owing to illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

## BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The VICE PRESIDENT. In accordance with the provisions of section 5581 of the Revised Statutes of the United States, the Chair appoints the following-named Senators as members of the Board of Regents of the Smithsonian Institution to fill vacancies that will occur on March 4 next: The Senator from Utah [Mr. SMOOT], to succeed himself, and the Senator from Arkansas [Mr. ROBINSON], in place of the Senator from Pennsylvania [Mr. PEPPER].

LXVIII—196

## PETITIONS AND MEMORIALS

Mr. COPELAND. Mr. President, I have a short letter from the disabled veterans at Saranac Lake, N. Y., which I ask may be printed in the Record at this point and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the Record, as follows:

DISABLED AMERICAN VETERANS OF THE WORLD WAR,  
SARANAC LAKE CHAPTER, No. 18,  
Saranac Lake, N. Y., February 5, 1927.

Hon. ROYAL S. COPELAND,

United States Senate, Washington, D. C.

HONORABLE SIR: We, the undersigned officers representing the Saranac Lake Chapter of the Disabled American Veterans of the World War, are writing to you on behalf of the 300 ex-service men curing in Saranac Lake to enlist your aid and assistance both before the committee and on the floor in the support of a bill that is aggressively supported by the disabled American veterans' organizations throughout the entire country to rescind that section of the law which will reduce compensation of hospitalized veterans without dependents from \$80 to \$40 per month on July 1, 1927.

Should this legislation go into effect without the requested change before adjournment in March, this present law, which we feel is very unjust, will create a hardship on the numberless men who will suffer directly.

We would also like to call your attention at the same time to the fact that the men who get well to-day have not the benefits of rehabilitation, which is another reason for the men maintaining the present rate of compensation, which is \$80, so that when they are ready and able to go back to an occupation they will have put aside a little saving to give them a start. You can readily see that if their compensation is cut to \$40 a month they will not have been able to put a penny aside for their future day, that they all look forward to, in getting well and starting out on their own.

For the above reasons we earnestly request your hearty support for the rescinding of this bill. We further respectfully request that you have this letter inserted in full in the CONGRESSIONAL RECORD.

Thanking you in advance for your cooperation and support in this matter, we remain, dear sir,

Sincerely yours,

WILLIAM J. BRIGANDO,

Commander.

JOHN J. McDERMOTT,

Senior Vice Commander.

GREGORY M. POWERS,

Junior Vice Commander.

Mr. COPELAND presented a resolution adopted by the board of aldermen of the city of New York, N. Y., which was referred to the Committee on Finance and ordered to be printed in the Record, as follows:

IN THE BOARD OF ALDERMEN,  
The City of New York.

Resolution 917 memorializing Congress to pass bill helping veterans to get loans on soldiers' bonus certificates

Whereas veterans of the World War have met with embarrassment and difficulty in negotiating loans upon the security of soldiers' bonus certificates; and

Whereas in the granting of the bonus it was the intention of the people of the country that some compensation be made for the heroism and sacrifice displayed by members of the military and naval forces of the country; and

Whereas because of the aforesaid embarrassments and difficulties the compensation is depreciated and minimized; and

Whereas there is pending in the Congress a bill by Senator WALSH of Massachusetts authorizing the Treasury Department of the Federal Government to pay soldiers' bonus certificates in the same manner as banks are authorized to pay the same, and to issue loans against such certificates in a similar manner: Now therefore be it

Resolved, By the board of Aldermen that the Congress be and the same hereby is memorialized to pass with all convenient speed the bill so pending before it; be it further

Resolved, That a copy of this resolution be transmitted to each Senator and Representatives in the Congress from the State of New York.

A true copy of resolution adopted by the board of aldermen January 25, 1927.

Approved by the mayor.

M. J. CRUISE, Clerk.

Mr. COPELAND also presented memorials numerous signed by sundry citizens of New York City, N. Y., remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday,

or any other legislation of a religious character, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Chamber of Commerce of the State of New York, favoring the making of an appropriation for the improvement of Governors Island, N. Y., and the establishment there of a full regiment of infantry, etc., which were referred to the Committee on Appropriations.

He also presented telegrams in the nature of memorials from George B. Smith, president of the Ward Baking Co.; P. M. Stafford, manager of the Ward Baking Co.; the executive committee of the Quality Bakers of America; and B. H. Wunder, president of the New York Produce Exchange, all of New York City, N. Y., remonstrating against the passage of the so-called McNary-Haugen farm relief bill, which were ordered to lie on the table.

He also presented a letter in the nature of a petition from the pastor of the Methodist Episcopal Church, of South Otselic, N. Y., praying the passage of legislation reorganizing the prohibition enforcement department, and also favoring the settlement of present difficulties with the Republic of Mexico by means of arbitration, which was ordered to lie on the table.

He also presented a letter from George Flume, of Palatine Bridge, N. Y., relative to the decrease in the demand for pure cider vinegar, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. WATSON presented the following concurrent resolution of the Legislature of Indiana, which was referred to the Committee on Finance:

A concurrent resolution of the Indiana State Legislature requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of this area

Whereas the World War veterans act of 1924, as amended, provides that "the Director of the United States Veterans' Bureau is authorized to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses"; and

Whereas as the result of the above enactment of Congress there has been a substantial increase of admissions to hospitals, and as this increase of admissions is expected to continue for years to come; and

Whereas in this area, comprising the States of Indiana, Kentucky, Ohio, Michigan, and Illinois, there is at this time an acute and increasing need for general hospital facilities, and as the State of Indiana has not been allowed a United States Veterans' Bureau hospital, while in each of the States bordering Indiana there have been United States Veterans' Bureau hospitals established; and

Whereas as Indiana is the center of population of the United States, a nucleus of the agricultural and industrial elements, the greatest railroad center of the world, and easily accessible by highways, there is probably no area within the United States comprising States that potentially serve such a large number of ex-service men; and

Whereas a United States Veterans' Bureau general hospital, located within the State of Indiana, would economically serve approximately 1,000,000 ex-service men who are residents of this area; and

Whereas the savings alone in transportation would be of such stupendous amount, because of the central location, and because of serving such a wide area, the institution should be of such proportions as to meet the present acute and increasing needs, so that the large necessary expenditure will be an economic one: Therefore be it

SECTION 1. *Resolved by the Senate of the State of Indiana (the House of Representatives concurring)*, That the United States Government is hereby respectfully urged and requested to provide the necessary funds for the establishment of a United States Veterans' Bureau general hospital at some convenient place within the State of Indiana, of such capacity as to afford adequate hospital facilities for persons entitled to treatment in such hospitals in the area consisting of the States of Indiana, Kentucky, Ohio, Michigan, and Illinois. The United States Senators and Members of Congress from this State are hereby urged to use all honorable means to secure the establishment of such a hospital in the State of Indiana.

SEC. 2. That the secretary of the senate is hereby directed to send certified copies of this resolution to each of the United States Senators and each Congressman from Indiana.

I hereby certify that senate concurrent resolution No. 5 was adopted by the senate on February 1, 1927.

FERN ALE, *Secretary of the Senate.*

I hereby certify that senate concurrent resolution No. 5 was adopted by the house of representatives on February 4, 1927.

W. T. LYLE, *Clerk of the House.*

Mr. SHORTRIDGE presented numerous memorials of sundry citizens in the State of California remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation of a religious character, which were referred to the Committee on the District of Columbia.

Mr. ODDIE presented resolutions adopted by Stanton Woman's Relief Corps, No. 16, Department of California and Nevada (Grand Army of the Republic), at Los Angeles, Calif., favoring the passage of legislation providing that all widows of regularly discharged Union veterans of the Civil War shall receive a pension of \$50 per month, which were referred to the Committee on Pensions.

Mr. McLEAN presented a paper in the nature of a petition from the board of directors of the Connecticut Chamber of Commerce (Inc.), of Hartford, Conn., praying for the passage of legislation establishing national battle field parks at Fredericksburg, Chancellorsville, Spotsylvania, the Wilderness, and Salem Church, Va., "as fitting memorials to those men of New England who there fought and made the supreme sacrifice that the Union might be preserved," which was referred to the Committee on Military Affairs.

He also presented a paper in the nature of a petition from the Seymour (Conn.) Chamber of Commerce, praying for the passage of the so-called McNary-Woodruff bill, being Senate bill 718, authorizing an appropriation for the purchase of land in Mad River Notch, situated in the town of Waterville, N. H., etc., which was referred to the Committee on Agriculture and Forestry.

He also presented a paper in the nature of a petition from Abraham Lincoln Camp, No. 2, Sons of Veterans, of Stamford, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented petitions of a committee representing the United States Custodian Service Association and sundry other citizens of New Haven, East Haven, West Haven, Derby, Ansonia, Seymour, and Danbury, all in the State of Connecticut, praying for the passage of legislation granting increased compensation to employees of the United States Custodian Service, with a minimum wage of \$1,200, which were referred to the Committee on Appropriations.

He also presented numerous papers in the nature of memorials (at the request of the radio editor of the Hartford Times) of sundry citizens of Hartford, East Hartford, West Hartford, Windsor, New Britain, Manchester, Middlefield, Glastonbury, South Glastonbury, Wethersfield, Madison, Burnside, Addison, Unionville, Bristol, Putnam, Elmwood, Plantsville, West Cheshire, Pomfret Center, Cromwell, Newington, Newington Junction, Southington, Rocky Hill, Ellington, and Silver Lane, all in the State of Connecticut, remonstrating against the present chaotic radio conditions and favoring the prompt passage of legislation regulating radio broadcasting, which were ordered to lie on the table.

Mr. TYSON presented petitions of a committee representing the United States Custodian Service Association and sundry other citizens of Maryville and Nashville, in the State of Tennessee, praying for the passage of legislation granting increased compensation to employees of the United States custodian service, with a minimum wage of \$1,200, which were referred to the Committee on Appropriations.

Mr. ASHURST presented a telegram, which was ordered to lie on the table and to be printed in the RECORD, as follows:

PHOENIX, ARIZ., February 5, 1927.

Hon. HENRY F. ASHURST,

*United States Senate, Washington, D. C.:*

As a member of the American Legion, I earnestly request your support on Tyson bill on retirement of disabled emergency officers. We feel that failure of passage of this measure would be unjust discrimination against emergency officers.

A. M. CRAWFORD,

*Speaker of the House.*

He also presented a letter, in the nature of a petition, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE AMERICAN LEGION, DEPARTMENT OF ARIZONA,

Phoenix, Ariz., February 2, 1927.

The Hon. HENRY F. ASHURST,

*United States Senate, Washington, D. C.*

DEAR SENATOR ASHURST: We are becoming alarmed at the possibility of the Tyson-Fitzgerald bill, for retirement of disabled emergency Army officers, failing of enactment during the present session of the Congress, which is drawing so near to a close. The use of parliamentary tactics may again prevent a vote upon this bill and result in continued discrimination against and hardship for this class of disabled veterans.



As I informed you several months ago, our last annual convention adopted unanimously a resolution the gist of which is as follows: "That the delegates from this department to the national convention be instructed to urge before that convention the inclusion in the next legislative program of those measures which failed of passage during the past session of Congress." Those measures included the Tyson-Fitzgerald bill, and this was particularly in the minds of those who drew the resolution mentioned.

This department again requests you to energetically work to the limit of your powers to have the bill brought to a vote and passed during the present session.

With kindest personal regards,

Very sincerely yours,

D. D. DOUGLAS,  
Department Adjutant.

He also presented a resolution adopted by Cactus Chapter, No. 2, and Tucson Chapter, No. 4, Disabled American Veterans of the World War, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

TUCSON, ARIZ., January 28, 1927.

Senator HENRY F. ASHURST,  
United States Senate, Washington, D. C.:

Resolution adopted by Cactus Chapter, No. 2, and Tucson Chapter, No. 4, Disabled American Veterans of the World War

Whereas the last provision of paragraph 7, section 202, of the disabled American veterans' relief act, passed by Congress on June 6, 1924, as amended by act of Congress of July 2, 1926, reads as follows, to wit:

"After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally or permanently disabled), who are being maintained by the bureau in an institution of any description, and who are without wife, child, or dependent parents, shall not exceed \$40"; and

Whereas this provision constitutes a clear and unjustified discrimination against veterans of that class who are seeking to regain their health in Government hospitals, and places a penalty upon the honest effort of the men who are taking advantage of the opportunities to regain their health which are offered them;

Whereas the Congress of the United States should not at any time or in any manner make, or seek to make, any distinction between disabled veterans, except upon the question of physical disability alone, and any effort of the Congress to discriminate as between disabled veterans of the same degree of disability should be branded as inequitable, unfair, and plainly unjust; and

Whereas any disabled veteran who has been, or may hereafter be, awarded compensation in accordance with the degree of his disability, without regard to his being or not being a patient in a Government hospital, and without regard to his being or not being married or having or not having children or dependent parents, and any distinction made between men of the same degree of disability is arbitrary and against the American spirit of a square deal; and

Whereas we fear that the enforcement of this provision would prove to be an opening wedge of a concerted effort to deprive all disabled veterans of the right to compensation, and that its enforcement would pave the way for the reduction of compensation of those veterans described in said provision to an absolute minimum, the provision setting out that the monthly rate of compensation of such veterans "shall not exceed \$40," thereby giving the bureau an unrestricted power to reduce the compensation of such veterans to nothing at all, pauperizing them and rendering them helpless; and

Whereas such condition would beyond question bring about an untold amount of mental suffering and worry which would naturally react to the detriment of the physical condition of such veterans, thereby tending to break down and destroy whatever good results which might have been attained by the long-continued fight for the relief of disabled veterans: Now therefore be it

Resolved by members of Cactus Chapter, No. 2, and Tucson Chapter, No. 4, Disabled American Veterans of the World War, That we unanimously recommend the repeal of the provision of the law quoted above, and that we sincerely urge the Congress of the United States to repeal said provisions by enacting H. R. No. 16019 on the grounds of fairness, justness and square dealing; and be it further

Resolved, That copies of this resolution be forwarded to each Member of the Congress of the United States.

CACTUS CHAPTER, No. 2, D. A. V. W. W.  
GILBERT B. HESPIN, Commander.  
TUCSON CHAPTER, No. 4, D. A. V. W. W.  
T. W. BENT, Commander.

Mr. McKELLAR presented a resolution of the directors of the Robertson County Farm Bureau, at Springfield, Tenn., which was ordered to lie on the table and to be printed in the RECORD, as follows:

ROBERTSON COUNTY FARM BUREAU,  
Springfield, Tenn., February 5, 1927.

Senator KENNETH D. MCKELLAR,  
Washington, D. C.

DEAR SIR: The board of directors of the Robertson County Farm Bureau, in a regular monthly meeting at Springfield, Tenn., passed the following resolution:

"Whereas American agriculture is now facing the most critical period in the history of the Nation, due to the fact that the American farmer is not receiving proper consideration at the hands of Congress; and

"Whereas he is placed in a disadvantageous position as compared to industry, and all articles he must purchase are selling at high prices and his products are selling at very low prices; and

"Whereas we realize that should present conditions continue it would mean ruin to the American farmer: Therefore be it

"Resolved by the board of directors of the Robertson County Farm Bureau, That we petition all Members of Congress from Tennessee to actively support the McNary-Haugen bill."

Trusting that you will do all in your power to secure passage to the McNary-Haugen bill, I remain,

Yours very truly,

GRAYDON L. MORRIS,  
President Robertson County Farm Bureau.

#### EMPLOYMENT OF FEDERAL PRISONERS

Mr. OVERMAN. From the Committee on the Judiciary I report back without amendment the concurrent resolution (S. Con. Res. 27) relative to the employment of Federal prisoners in United States penitentiaries, United States Industrial Home for Women, and the United States Industrial Reformatory. As it provides for an appropriation out of the contingent fund, I move that the concurrent resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

#### BIENNIAL INDEX TO STATE LEGISLATION

Mr. WALSH of Montana. From the Committee on the Judiciary I report back favorably with amendments the bill (H. R. 9174) providing for the preparation of a biennial index to State legislation, and I submit a report (No. 1420) thereon. This is a bill coming from the House on the same subject on which the Senate passed a bill a week ago. The committee now reports amendments to the House bill to make it conform to the bill which passed the Senate, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in section 1, page 1, at the end of the first paragraph, to insert "together with a supplemental digest of the more important legislation of the period"; and in section 2, line 9, after the words "sum of," to strike out "\$25,000" and insert "\$30,000," so as to make the bill read:

Be it enacted, etc., That the Librarian of Congress is hereby authorized and directed to prepare and to report to Congress biennially an index to the legislation of the States of the United States enacted during the biennium, together with a supplemental digest of the more important legislation of the period.

SEC. 2. There is hereby authorized to be appropriated annually for carrying out the provisions of this act the sum of \$30,000, to remain available until expended.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### REPORTS OF THE MILITARY AFFAIRS COMMITTEE

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 233) authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes, reported it without amendment and submitted a report (No. 1422) thereon.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (H. R. 3378) for the relief of Randolph Foster Williamson, deceased, reported it without amendment and submitted a report (No. 1423) thereon.

#### THE MILITARY ESTABLISHMENT

Mr. WADSWORTH. By direction of the Committee on Military Affairs I report a bill to increase the efficiency of the

Military Establishment, and I submit a report (No. 1421) thereon.

The bill (S. 5634) to increase the efficiency of the Military Establishment, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WADSWORTH. In view of the great importance of this measure to the Army generally and to the national defense I ask that the bill and the committee report be printed in the RECORD.

There being no objection, the bill and the committee report were ordered to be printed in the RECORD, as follows:

[S. 5634, 69th Cong., 2d sess.]

A bill to increase the efficiency of the Military Establishment, and for other purposes

*Be it enacted, etc.,* That commissioned officers on the active list of the Regular Army, exclusive of general officers of the line, of officers of the Medical Department, of chaplains, and of professors, shall hereafter be known as promotion-list officers, and the numbers of such promotion-list officers in each of the authorized grades shall, in lieu of the numbers heretofore authorized, be such numbers as result from the system of promotion hereinafter prescribed: *Provided*, That the aggregate number of officers of the Regular Army shall not exceed the number now or hereafter expressly authorized by law: *Provided further*, That the number of general officers of the line, of officers of the Medical Department, of chaplains, and of professors shall be such as are now or may hereafter be expressly authorized by law, and promotion to the grades of major general of the line and brigadier general of the line and promotion of officers of the Medical Department, of chaplains, and of professors shall continue to be made as now provided by law.

SEC. 2. Except as hereinafter provided, promotion-list officers below the grade of colonel shall be promoted to the grade of first lieutenant after three years' service, to the grade of captain after 10 years' service, to the grade of major after 17 years' service, to the grade of lieutenant colonel after 23 years' service, and to the grade of colonel after 28 years' service. For purposes of promotion there shall be credited all commissioned service with which such officers have been or may be credited in determining their positions on the promotion list, except that officers originally appointed lieutenant colonels or majors as of July 1, 1920, shall be deemed to have the same length of service as the next preceding officer on the promotion list who was in the Regular Army or Philippine Scouts prior to July 1, 1920, and except that no officer originally appointed a captain or lieutenant after April 6, 1917, shall be considered to have less commissioned service than any officer originally below him on the promotion list. Any officer whose original position on the promotion list has been or may hereafter be changed by sentence of a general court-martial or by law shall be deemed to have the same commissioned service as the officer next below whom he has been or may be placed by such change. All promotion-list officers below the grade of colonel shall be promoted in the order of their standing upon the promotion list notwithstanding any other provisions of this act. The aggregate number of promotion-list officers in the grades of colonel, lieutenant colonel, and major shall not be less than 26 per cent nor more than 40 per cent of the total authorized number of promotion-list officers, and in so far as necessary to maintain said minimum of 26 per cent, officers of less than 17 years' service shall be promoted to the grade of major, and only in so far as their promotions will not cause said maximum of 40 per cent to be exceeded shall officers who have completed 17 years' service be promoted to the grade of major. No promotion-list officer shall be promoted to the grade of lieutenant colonel until he shall have served at least three years in the grade of major. The number of promotion-list officers in the grade of colonel shall not be less than 4 per cent nor more than 6 per cent of the total authorized number of promotion-list officers, and, in so far as necessary to maintain minimum of 4 per cent, officers of less than 28 years' service shall be promoted to the grade of colonel, and only in so far as their promotions will not cause said maximum of 6 per cent to be exceeded, shall officers who have completed 28 years' service be promoted to the grade of colonel.

SEC. 3. The fifth sentence of section 24b of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, be, and the same is hereby, amended to read as follows: "The record of such court of inquiry shall be forwarded to the final classification board for reconsideration of the case, and after such consideration the finding of said classification board shall be final and not subject to further revision."

SEC. 4. All prior statutory provisions for termination of active service of officers shall, except as otherwise provided in this act, continue in full force and effect and shall be administered as now provided by law.

During each fiscal year the President may, in his discretion, designate as supernumerary and discharge or retire upon their own applications

promotion-list officers originally appointed to date from July 1, 1920, or prior thereto, the number so designated in any fiscal year not to exceed 1 per cent of the maximum number of promotion-list officers authorized by law during said fiscal year.

At such times as may be necessary, the President shall cause to be convened a board of five general officers, which board, from a consideration of all applications received, of the interests of the Army as a whole, and of the branches thereof, shall recommend the officers to be designated as supernumerary and discharged or retired. Supernumerary officers shall be selected, first, from among officers who apply for discharge with a cash allowance and, second, from among officers who apply for transfer to the retired list. The board of general officers shall also recommend the officers who have served more than 30 years who, in the opinion of the board, should, in the interest of the Government, be retired from active service: *Provided*, That any officer eligible for retirement under existing law, upon his own application by reason of having served more than 30 years, may, upon recommendation of the board of general officers, be retired from active service, in the discretion of the President, without such application, and any officer who has served more than 40 years shall, if he makes application therefor, be retired: *Provided further*, That all retired officers of the Army shall hereafter be carried on one list designated as the "Regular Army retired list," and there shall be no subdivision into limited and unlimited retired lists.

SEC. 5. Officers designated as supernumerary, upon their own applications and pursuant to the recommendations of a board of general officers, shall be discharged or retired as follows: Those of less than 10 years of commissioned service shall be honorably discharged with a cash allowance of \$40 for each complete month of commissioned service; those of more than 10 years of commissioned service, who have applied for discharge, shall be honorably discharged with a cash allowance of \$40 for each complete month of commissioned service; those of more than 10 and less than 20 years of commissioned service, who have applied for retirement, shall be retired from active service with retired pay at the rate of 2.5 per cent of active pay for each complete year of service with which credited for pay purposes; those of 20 or more years of commissioned service, who have applied for retirement, shall be retired from active service with retired pay at the rate of 3 per cent of active pay for each complete year of service with which credited for pay purposes: *Provided*, That the retired pay of supernumerary officers retired under this act shall not be less than 50 per cent or more than 75 per cent of active pay at the time of retirement: *Provided further*, That any officer originally appointed as of July 1, 1920, at an age greater than 45 years, may, in lieu of retired pay as hereinbefore provided, receive retired pay at the rate of 4 per cent of active pay for each year of commissioned service as heretofore provided by law, whichever shall be the more favorable to him.

SEC. 6. Except as specifically herein provided, nothing in this act shall be held or construed to discharge any officer from the Regular Army or to deprive him of the commission which he holds therein.

SEC. 7. The provisions of this act shall be effective beginning July 1, 1927, and all laws and parts of laws which are inconsistent herewith or are in conflict with the provisions hereof are hereby repealed as of that date.

[S. Rept. No. 1421, 69th Cong., 2d sess.]

#### PROMOTION AND RETIREMENT IN THE ARMY

Mr. WADSWORTH, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs reports favorably the bill (S. 5634) to increase the efficiency of the Military Establishment, recommends that it pass.

An investigation by your committee of the personnel situation in the Army has disclosed a critical state of affairs that seriously threatens the national defense. The Army is facing a situation already acute, the inevitable result of which will be the deterioration of the morale and efficiency of the Military Establishment unless remedial action be taken without delay.

The primary cause of the trouble is the existence of a large group of officers—some 5,800 in number—inducted into the Regular Army during the World War period. This large group, technically known as a "hump," is composed of officers varying less than two years in length of service, the bulk of whom vary but little in age. In magnitude this hump comprises more than half of the commissioned personnel, exclusive of the Medical Department and chaplains. Were the personnel of the Army normally constituted there would be, in lieu of this hump, an equal number of officers composed of small groups which had entered the service each year over a period of about 20 years and which would vary accordingly in length of service and in age.

It is inevitable that the existence of an abnormally constituted personnel such as we now have should produce abnormal effects disastrous to the Army unless the situation be squarely faced and corrective measures applied.

One grave consequence of the present state of affairs is increasing stagnation and disparity in the promotion of officers in and below the



hump. Officers at the head of the hump have been captains since 1920; others at the foot, of nearly the same age and service, will not become captains until about 1938. Not until about 1950, when they will be about 55 years of age and will have served 32 years in subordinate grades, will officers at the foot of this hump reach the grade of major. Many other equally striking examples of ruinous stagnation and inequalities in promotion might be cited.

As a corollary to the forecasted promotion situation about one-half of the officers in the hump are confronted with the prospect of passing to the retired list while still serving in grades below colonel, being denied the opportunity of rounding out a creditable career and serving the Government as general officers. It appears that about 2,800 officers are due for retirement while still in grades below colonel and of these about 1,250 will not get above the grade of major before reaching the age of 64 years.

Still another consequence of this hump will be a subnormal flow of officers from and into the Army for many years. Then as the bulk of the hump makes its sudden exodus to the retired list its replacement will cause an excessive inflow. Thus will successive humps be created with a periodic recurrence of irregularities and stagnation in promotion and of wholesale retirements.

The further this state of affairs and what it portends for the future is inquired into the more appalling do the consequences appear. No organization, military or otherwise, can be subjected to such influences and survive with any semblance of efficiency. Rapid deterioration in personnel is inevitable. Deterioration in the professional military personnel will affect the whole fabric of our national defense. An inefficient Army is the greatest extravagance in which we can indulge.

There can be no such thing as a sudden obliteration or alteration of the character of the hump which is the underlying cause of our troubles. But although the hump is composed of excellent and valuable officers with war experience, there can be no doubt that in the interests of the Nation, of the Army as a whole, and of the officers who comprise it, the hump must be reduced. The reduction must be progressive and gradual and should begin at once. And unless other evils are to take the place of those avoided the reduction must be accomplished with the greatest possible fairness and justice to individuals.

There can be no doubt that the remedy for the impending conditions lies in bringing about at once a greater and sustained outflow from the active list. A greater outflow, confined largely to officers in and above the World War hump, will serve two necessary purposes. It will insure a steady and progressive reduction of the hump and a sustained flow of replacements in lieu of the prospective future passage to the retired list and replacement of the hump practically as a body. And it will assist in providing and maintaining the flow of promotion for officers in and below the hump that is essential to their efficiency.

Studies made by the War Department indicate that an average annual attrition of not less than 4 per cent of the total number of officers, exclusive of the Medical Department and chaplains, maintained for about 20 years, is essential to the gradual reduction and replacement of the hump and to the establishment of a normal condition. The present attrition and that forecasted for many years in the future is somewhat less than 3 per cent.

Your committee believes that in the face of a situation that demands a greater number of transfers from the active list of the Army it would be unwise to abandon or to fail to make full use of all means that now exist for terminating the active service of officers. These well-earned and satisfactory means comprise retirements for age, retirements for disability and by reason of length of service, and both retirement and discharge by reason of being placed in class B; that is, in the class of officers defined by law as those who should no longer be retained in the service. Even though these means be fully utilized, as your committee believes they should be, it is estimated the average annual attrition will not rise much above 3 per cent. It is imperative that some new means be found to bring about during the next 20 years the additional attrition of about 1 per cent.

In general this additional attrition may be accomplished by voluntary or involuntary transfer of officers from the active list or by a combination of these. Your committee has fully considered all of the possible means. It concurs in the view expressed by the Secretary of War that in so far as possible the requisite number of transfers from the active list should be obtained by voluntary means. There is now in effect a statutory provision whereby officers whose qualifications do not warrant their being continued on the active list may be placed in class B and retired or discharged. Should there be superimposed upon this any other statutory provision whereby more efficient officers might be selected for removal from the active list all officers may well feel that their commissions are placed in jeopardy. The apprehension and loss of morale in the service due to this might more than offset any advantage gained. Should it be found impracticable to attain the necessary outflow by the combined use of existing laws and of a provision for voluntary release from active service it will become necessary to resort to sterner measures. Your committee believes, however, that a plan of attaining the necessary outflow by voluntary methods should first be given a fair trial, and only in case it fails should other methods be considered. Your committee has

therefore prepared the bill in such way as to permit but not to require an attrition of not to exceed 1 per cent annually over and above the normal attrition, this additional 1 per cent to be attained by the discharge and retirement of officers upon their own application.

In order that officers may be able to take advantage of this opportunity for release from active service without an undue sacrifice your committee has provided in the bill what it conceives to be reasonable retired pay, graded according to the length of service rendered by the officer, and for those of short service who may be discharged (and for those of long service who see fit to take advantage of it) a reasonable cash allowance which will compensate them for the equity they have established toward retirement.

The only exception made by your committee to the transfer of officers from the active list being of their own volition is in the case of those officers who have served more than 30 years and who, under existing law, are eligible to be retired upon their own application. Your committee has deemed it fair and just to the Government and to the Army that the option in such cases should not rest entirely with the individual, and that such officers, whether or not they apply, should, in the discretion of the President and upon the recommendation of a board of general officers, be subject to retirement.

A sustained outflow from the active list of the Army will assist in establishing a reasonable flow of promotion. The effect will, however, be gradual and cumulative over a long period, and unless some other measures be taken there will in the meantime be stagnation in promotion that will be highly detrimental to efficiency. To meet this situation your committee has concluded that there should be adopted a system of promotion such as now obtains in the Medical Department of the Army, whereby officers will be promoted from grade to grade upon the completion of fixed periods of service and without regard to vacancies. In order, however, that there may not be an excessive number of officers in grades above captain it has been found necessary to place limitations upon promotion according to length of service. Due to these limitations, all officers will not be promoted strictly in accordance with the adopted schedule, but their promotions will not be materially delayed and their prospects of promotion, of efficient careers, and of rising high in their profession will be infinitely better than those now confronting them.

Your committee believes that the combined effect of the two essential features of the bill—that is, a steady and sustained outflow from the active list and the promotion of officers so far as practicable in accordance with their length of service rather than as vacancies occur—will go far toward remedying the conditions detrimental to efficiency that now obtain or are in prospect and will be highly beneficial to the morale and efficiency of the officer personnel of the Army.

The enactment by the Congress in 1922 of the present pay law, whereby the pay of officers is determined primarily by their length of service and secondarily by the grades they have attained, makes it possible to put into effect the measures contained in the bill without an appreciable increase in the cost of the Military Establishment. Details as to this appear hereinafter in this report. They may be summarized by stating that it appears that the increased cost to the Government due to the operation of one typical year under this bill will amount to approximately \$65,000. Should this prove to be correct, the increased cost due to the operation of the bill for the period of about 20 years, which will be necessary to restore normalcy, would be approximately \$1,200,000.

Not only will the bill preserve efficiency but it will, without appreciable cost, actually increase our total of trained officers for use in an emergency, in that both the officers transferred from the active list and their replacements on that list will be trained and available.

#### EXPLANATION OF SECTIONS

For your information the measure is explained, section by section, as follows:

Section 1 provides that officers affected by the bill be known and designated as "promotion-list" officers, the total number to be as now provided by law, and the distribution in the various grades, in lieu of fixed numbers now prescribed, to be such as results from a system of promotion according to length of service. The total number of officers of the Army, the number of general officers, and the number of officers of the Medical Department and chaplains remains unchanged.

The total authorized number of officers will be 12,402 when all increments under the Air Corps act are completed. Of these 10,863 will be promotion-list officers.

Section 2 provides that, in general, officers be promoted from grade to grade upon completion of years of commissioned service as follows:

From—	To—	After years of service
Second Lieutenant.....	First Lieutenant.....	3
First Lieutenant.....	Captain.....	10
Captain.....	Major.....	17
Major.....	Lieutenant colonel.....	23
Lieutenant colonel.....	Colonel.....	28

With one exception these promotions are coordinated with increases in pay now provided by law; the officers will receive the increase in pay whether promoted or not, hence the schedule of promotion is not only just and reasonable but is without appreciable cost. The one exception is the promotion from second lieutenant to first lieutenant after three years of service. This accelerates by not more than two years the advance of these young officers from a base pay of \$1,500 per year to a base pay of \$2,000 per year. This promotion and the accompanying increase in pay will correspond to that now obtaining in the Navy. It is deemed highly desirable, as the pay of these officers is now inadequate and is causing large numbers of excellent second lieutenants to resign from the Army for financial reasons.

The section further provides that the service to be credited for promotion purposes shall be as at present. It maintains the present relative order as fixed by the promotion list and in some instances credits officers with the constructive service necessary to do this.

The section further provides limitations upon promotions so that the aggregate number of officers in grades above captain shall not fall below 26 per cent and shall not rise above 40 per cent of the total number of promotion-list officers. Also the number of colonels shall not fall below 4 per cent nor rise above 6 per cent of the authorized total.

The minimum limits will assure the numbers needed to meet organizational requirements, and the maximum limits will permit promotions so far as practicable according to the prescribed schedule. Under these provisions the aggregate number of colonels, lieutenant colonels, and majors will vary between limits of 2,824 and 4,345, the minimum being exceeded only when there are captains of more than 17 years of service to be promoted. Similarly, the number of colonels will vary between 434 and 651, the minimum being exceeded only when there are lieutenant colonels of more than 28 years of service to be promoted. Limitations in other grades are deemed unnecessary and undesirable.

Due to the limitation of 40 per cent, some captains may not become majors until they have served more than 20 years. In such cases it is deemed desirable that they remain in the latter grade at least three years before being promoted, notwithstanding they have completed more than 23 years of service—the service normally required for promotion to the grade of lieutenant colonel. This provision will not affect the pay of such officers and will not delay their later promotion to the grade of colonel; it will merely serve to equalize their service in the grades of major and lieutenant colonel.

Section 3: This section amends the present law for placing officers in class B by placing the full responsibility for final classification upon the board of general officers, making their decision after a full investigation final and not subject to revision. At present the burden of reviewing and revising the findings of the board is thrown upon the President. It is believed he should be relieved of this burden.

Section 4: This section provides for a continuance and full utilization of all existing statutes for removal of officers from the active list. In order that there may be such further transfers from the active list as are essential to bring about a normal composition of the officer personnel the section provides that, in the discretion of the President, not to exceed 1 per cent of the promotion-list officers may be designated as supernumerary and discharged or retired upon their applications. Only officers in and above the World War hump may be so designated; hence, when the hump has disappeared, this provision will cease to be operative.

With a view to conserving the interests of the Government and of individuals, it is made the duty of a board of general officers to consider all applications for discharge or retirement as supernumerary and to recommend acceptance or disapproval of such applications.

Officers who apply for discharge with a cash compensation in lieu of retirement are believed entitled to preference in being released from active service, and the section so provides. Only in so far as the number of approved applications for discharge fails to produce the desired attrition may applications for retirement be considered and recommended for approval.

This section also makes it the duty of the board to recommend to the President the officers of more than 30 years of service who should be retired from active service either upon their applications or without such applications. Retirement in either case upon recommendation of the board is in the discretion of the President. The board is not empowered to recommend disapproval nor the President to disapprove an application for retirement from an officer who has served more than 40 years, thus insuring continuance of existing law in such cases.

In order that retirement laws may be freely and fully administered as the interests of the Government dictate, restrictions due to having a limited retired list of not to exceed 350 are removed by abolishing said list and merging all retired officers on one retired list.

Section 5: This section prescribes the compensation of officers discharged or retired as supernumerary.

Officers of less than 10 years of commissioned service are to be honorably discharged with a cash allowance of \$40 for each month of their commissioned service. This allowance will vary between \$3,840 and \$4,800, depending upon length of service.

Officers of more than 10 and less than 20 years of commissioned service may, in accordance with the terms of their applications, either

be discharged with a cash allowance of \$40 for each month of service or placed on the retired list with 2½ per cent of active pay for each year of service with which they are credited for pay purposes. The cash allowance in such cases will vary between \$4,800 and \$9,600. The retired pay in such cases will vary between \$1,380 and \$2,600 and may be somewhat greater for officers having aggregate service credited for pay purposes of more than 20 years.

Officers of more than 20 years of commissioned service may, in accordance with the terms of their applications, either be discharged with a cash allowance of \$40 for each month of commissioned service or be placed on the retired list with 3 per cent of active pay for each year of commissioned service. The cash allowance in such cases would be \$9,600 for an officer of 20 years' service plus \$480 for each additional year of service. The retired pay in such cases will vary between \$2,340 and \$4,500, according to grade and length of service.

In no case is retired pay to be less than 50 per cent of active pay nor more than 75 per cent of active pay.

The law under which officers were appointed July 1, 1920, when over 45 years of age, provided that when retired they receive retired pay at the rate of 4 per cent for each year of commissioned service. The bill provides that such officers retired as supernumerary be paid either according to this statute or according to the general rule applicable to all other officers, whichever is the more favorable to them.

In general these rates of compensation are deemed equitable to both the Government and to individuals, and to provide the least compensation that can reasonably be expected to cause officers to volunteer for transfer from the active list practically for the convenience of the Government.

#### COST OF THE BILL

Your committee finds nothing in this bill that will materially increase the cost of the Military Establishment over what it would be were the bill not enacted. The promotions provided for in the bill are so coordinated with increases in pay under existing law that in general there will be no increased cost due to promotions except the acceleration of promotion of second lieutenants. The cost of the latter will not exceed \$1,962 for each such promotion. The retirements authorized are merely an acceleration of retirements that would normally occur later and generally at higher rates of retired pay. Practically all retirements will serve to increase the immediate though not the ultimate cost of the retired list, and will serve to immediately decrease the cost of the active list due to the officer retired being replaced by a less expensive officer. Discharges with a cash allowance in lieu of retirement reduce the cost of both the active and retired lists. Considering all of these factors there appears to be no element of eventual material increase in cost. This is borne out by the statement below, which was submitted to the committee, and from which it appears that as a result of 20 typical years of operation such as that assumed in the statement the increased cost of the Military Establishment would be approximately \$1,207,600, or \$65,380 for each such year of operation. This does not mean, however, that the actual cost will be increased this amount during each such year, as the increased cost or the saving due to each retirement or discharge is projected far into the future and makes itself felt during a long period. During some years the increased cost may be much greater than the above average. This will be compensated by an actual saving in other years.

#### A STATEMENT SUBMITTED TO THE COMMITTEE

##### COST OF PROPOSED PERSONNEL PLAN

1. The cost, in comparison to what the cost of personnel will be without the plan, breaks down into two primary elements: First, the cost of accelerating promotion; second, the cost of accelerating the departure of officers from the active list and their replacement.

2. The promotions are in general coordinated with existing pay schedules in such way that, with one exception, they may be made without cost, i. e., the pay increase will take place whether the officers are promoted or not. The one exception is the promotion of second lieutenants upon completion of three years of commissioned service.

The promotion of second lieutenants after three years accelerates their promotion by not more than two years, with a consequent increase in maximum annual pay and allowances from \$2,271 to \$3,252, an increase of \$981 per year. Each such promotion costs, therefore, \$1,962. The actual increased cost would be less, as many of these officers would not receive the dependents' allowance, and some are due to be promoted in any event before they complete five years of service.

Hence the increased cost of the plan incident to promotions under it consists primarily of something less than \$196,200 for each 100 second lieutenants promoted under it.

3. The cost incident to accelerating the departure of officers from the active list and correspondingly accelerating the inductance of their replacement into the service can not be accurately stated. It can only be approximated under some reasonable assumption.

If it be assumed that 100 officers more than normal leave the active list annually and be replaced, and that these are classified as stated below, we have a representative cross section of the average annual removal and replacement of supernumerary officers:



Ten colonels of 32 years' service and 56 years of age retired with 75 per cent of active pay.

Fifteen lieutenant colonels of 26 years' service and 50 years of age retired with 75 per cent of active pay.

Twenty-five majors of 20 years' service and 44 years of age retired with 60 per cent of active pay.

Thirty captains of 15 years' service and 39 years of age retired with 50 per cent of active pay.

Twenty captains of 12 years' service and 36 years of age discharged with cash allowance of \$8,000.

Computing the effect of these operations over a period of 80 years in order to get a fair estimate of the ultimate cost of accelerated removal and replacement, the following figures are derived:

(a) The total active and retired pay of each colonel up to time of his death would be \$35,100 less than if he remained on the active list until 64 years of age. The total active and retired pay of his replacement would be \$59,048 more than if he were not replaced until 64 years of age. Hence the net ultimate increased cost during a period of 80 years of this accelerated retirement of a colonel would be \$24,548.

(b) The total active and retired pay of each lieutenant colonel up to the time of his death would be \$72,808 less than if he remained on active list until 64 years of age. The total active and retired pay of his replacement would be \$96,200 more than if he were replaced at the age of 64. Hence the net ultimate increased cost during a period of 80 years incident to each such retirement would be \$23,394.

(c) For each major retired after 20 years' service the total active and retired pay would be reduced \$129,008, and the increased cost due to accelerating his replacement would be \$126,470. Hence the saving due to this accelerated retirement and replacement would be \$3,338.

(d) For each captain retired after 15 years' service the total active and retired pay would be reduced \$164,346 and the increased cost due to accelerated replacement would be \$157,814. Hence the saving due to this accelerated retirement and replacement would be \$6,532.

(e) For each captain of 12 years' service, discharged with a cash allowance, the total active pay, plus the bonus, would be \$221,000—less than he would receive in active and retired pay if continued in active service and retired at age of 64. The increased cost due to accelerated replacement in this case would be \$178,990. Hence the saving due to this discharge and replacement would be \$42,010.

(f) The cost of the 100 accelerated separations and corresponding replacements would be:

	Increased cost	Saving
10 colonels, at \$24,548.....	\$245,480	
15 lieutenant colonels, at \$23,394.....	350,910	
25 majors, at \$3,338.....		\$83,450
30 captains, at \$6,532.....		195,960
20 captains, at \$42,010.....		840,200
Total.....	596,390	1,119,610
Or a net saving of.....		523,220

This includes the cost of advancing 100 second lieutenants to first lieutenants on completion of three years' service, these second lieutenants being the replacements included in the above computations.

4. Combining the cost of accelerated promotion and the saving incident to accelerated separation and replacement gives the following result:

(a) Accelerated retirement and replacement of 100 officers, an annual saving of \$523,220.

(b) Accelerated promotion of about 300 second lieutenants not included in above replacements, an annual increased cost of \$588,600.

(c) Difference between a and b, above, an increased cost due to operations of one typical year of approximately \$65,380.

5. Twenty years of such operation would restore the personnel situation to near normal, at a total ultimate cost of about \$1,207,600. This is some \$10,565,000 less than it would cost to establish the proposed promotion schedule, without the compensating saving made on accelerating separation from active service of more expensive officers and replacing them by those less expensive.

#### ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 7 that committee presented to the President of the United States the enrolled bill (S. 3928) authorizing the designation of an ex-officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GLASS (for Mr. SWANSON):

A bill (S. 5611) authorizing the acceptance from the Republic of Chile of the order Al Mérito, conferred on certain officers of the United States Navy; to the Committee on Foreign Relations.

By Mr. EDWARDS:

A bill (S. 5612) granting an increase of pension to Anna L. Sweet (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5613) to make it the duty of certain courts of the United States to render decisions within certain maximum limits of time; to the Committee on the Judiciary.

By Mr. ODDIE:

A bill (S. 5614) granting a pension to Adelaide C. Young; to the Committee on Pensions.

By Mr. FESS (for Mr. WILLIS):

A bill (S. 5615) granting an increase of pension to Missouri A. Stine (with accompanying papers); to the Committee on Pensions.

By Mr. GOULD:

A bill (S. 5616) granting an increase of pension to Frances M. Gushee (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5617) for the relief of the city of New York; to the Committee on Claims.

By Mr. FESS:

A bill (S. 5618) authorizing the erection of a sanitary fire-proof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. NYE:

A bill (S. 5619) granting an increase of pension to Kizzie Morgan (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5620) granting the consent of Congress to John R. Scott, Thomas J. Scott, E. E. Green, and Baxter L. Brown, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Commerce.

By Mr. SHIPSTEAD:

A bill (S. 5621) granting an increase of pension to Ethalinda Holbrook; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 5622) authorizing the acceptance by the Navy Department of a site for an aviation training field in the vicinity of Pensacola, Fla., and for other purposes; to the Committee on Naval Affairs.

By Mr. WADSWORTH:

A bill (S. 5623) granting a pension to Arthur L. Williams; to the Committee on Pensions.

A bill (S. 5624) to provide for continued hospitalization at Liberty, N. Y., of certain beneficiaries of the Veterans' Bureau; and

A bill (S. 5625) to provide for continued hospitalization at Saranac Lake, N. Y., of certain beneficiaries of the Veterans' Bureau; to the Committee on Finance.

By Mr. BROUSSARD:

A bill (S. 5626) granting the consent of Congress to George A. Hero and Allen S. Hackett, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Commerce.

A bill (S. 5627) granting a pension to John F. Mathews; and

A bill (S. 5628) granting a pension to Minnie Alexandria Williams (with accompanying papers); to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 5629) granting a pension to Minnie M. Billings (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5630) granting an increase of pension to Emma J. Case; and

A bill (S. 5631) granting an increase of pension to Mary J. Barrows; to the Committee on Pensions.

By Mr. McMASTER:

A bill (S. 5632) granting a pension to Thomas Morrison; to the Committee on Pensions.

A bill (S. 5633) to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.; to the Committee on Indian Affairs.

By Mr. FESS (for Mr. WILLIS):

A bill (S. 5635) granting an increase of pension to Emma E. Gillespie (with accompanying papers); to the Committee on Pensions.

By Mr. BLEASE:

A bill (S. 5636) granting an increase of pension to Ellen A. Toale (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5637) to amend the World War veterans' act, 1924, as amended; to the Committee on Finance.

#### AMENDMENT OF THE FEDERAL WATER POWER ACT

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 5362) to amend the Federal water power act, and for other purposes, which was ordered to lie on the table and to be printed.

#### CHANGE OF REFERENCE

On motion of Mr. LENROOT, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (S. 5533) to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park, and it was referred to the Committee on the District of Columbia.

#### HOUSE BILL REFERRED

The bill (H. R. 16775) to limit the application of the internal-revenue tax upon passage tickets was read twice by its title, and referred to the Committee on Finance.

#### AMENDMENT OF FARM RELIEF BILL

Mr. NEELY submitted an amendment intended to be proposed by him to the bill (S. 4808) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, which was ordered to lie on the table and to be printed.

#### AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. COPELAND submitted the following amendment intended to be proposed by him to House bill 16800, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

On page 46, line 8, after the clause "For continuing the construction of the McKinley Technical High School, \$1,000,000," and the semicolon, to insert the following proviso:

"Provided, That no part of the appropriations made for the construction of said school shall be used for the erection of a heating or power plant at or immediately adjacent to the intersection of Second and B Streets NE., but such funds shall be available for the extension and expansion of the present heating plant of the Langley Junior High School to adequately serve said new McKinley High School."

#### EMPLOYEES OF THE INTERNAL REVENUE BUREAU

Mr. HEFLIN. Mr. President, I send to the desk a Senate resolution which I think will not lead to any debate. If it does, I shall withdraw my request for immediate consideration. I ask for the present consideration of the resolution.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 345) was read, as follows:

Resolved, That the Civil Service Commission be, and it is hereby, directed forthwith to furnish to the Senate a list of the names of the employees of the public-debt section of the Income Tax Unit of the Internal Revenue Bureau of the Treasury Department, showing the legal residence, the civil-service status, length of service, and salary of each, as of January 1, 1926, and January 1, 1927.

Mr. SMOOT. The resolution applies to the public-debt section?

Mr. HEFLIN. Yes. It will show who and how many of the employees have been taken off and how many have been put on and what States they are from.

Mr. SMOOT. That list is published weekly, anyway. I could furnish the Senator the information that he wants. However, if that is all the resolution calls for I have no objection to it.

The resolution was considered by unanimous consent, and agreed to.

Mr. HEFLIN. Mr. President, so far I have been unable to obtain this information. I ask to have printed in the RECORD at this point a list of the names of employees who had not served their probationary periods, but who were retained last summer when experienced employees were dismissed.

The VICE PRESIDENT. Without objection it is so ordered. The list is as follows:

Names and length of service of employees who had not served their probationary period but were retained last summer when experienced employees were dismissed:

	Months		Months
Louise E. Palmer	5	Evelyn Sampson	5
Floyd L. Swindell	3	Constance Gottschalk	5
Mary G. Corey	5	Vera I. Haywood	5
Rachel M. Morris	5	Zula G. Hawkins	4
Mildred V. Baker	5	Theresa Murphy	4
Edna M. Dumond	5	Mary Carello	4
Lenore Allen	5	Rose A. Linton	4

	Months		Months
Pearl Rainwater	5	Edna Gerke	5
Mary A. Conley	5	V. M. Bigelow	4
Faith A. Richardson	5	Genevieve Anderson	5
Katherine Thomas	1	Esther D. Lewis	5
Eva M. Tawyea	5	Sophie Dodek	5
Rachel A. Cook	3	Marion O'Keefe	5
M. F. Pierce	5	Lucile King	5

Employees who had served only six months and less than a year but were retained last summer when experienced employees were dismissed:

	Months		Months
Dorothy Stevens	9.9	Rose C. Kumor	6
Marjorie Hathway	6	Lillian Cady	9.9
Edith P. Swiger	9.9	Marie Geraci	9
G. W. Skilton	9.6	Dorothy Evans	8
Nancy D. Scott	9	Bertha Shenk	9.9
Sibyl I. Pierce	9.9	M. R. Swartzman	6
Emma H. Cage	9.9	Alice Erskine	9.9
Fannie B. Weisman	6	Grace Russel	9.9
Marjorie Grist	6	Esther Nelson	6

Mr. HEFLIN. On June 19, 1926, a report from the Civil Service Commission showed 10,794 employees in the apportioned service when they were allowed only 138, or the surplus of 10,656; notwithstanding this inequality, from that date until November 6, 1926, we find in another report from the Civil Service Commission 10,814 District of Columbia employees in the apportioned service, a gain of 20, while the States which are most in arrears lost 379.

On July 3, 1926, the Senate registered a unanimous protest against the illegal dismissal of a number of first-grade civil-service employees from the Treasury and Interior Departments by passing Senate Joint Resolution 115. Some days later I issued a warning through the Associated Press to the department heads not to disregard this protest of the Senate, and if they did that they would be forced to restore these employees to duty and also reimburse them for the time lost. Now, in behalf of the Senate, I demand that the order of separation be rescinded and all first-grade civil-service employees from States whose quotas are in arrears and who were separated from the service because of a reduction in force be restored to duty immediately and reimbursed for the time lost.

#### INTERSTATE COMMERCE LAWS AND DECISIONS

Mr. CURTIS. Mr. President, I ask unanimous consent to withdraw the motion entered by me on the 2d instant to reconsider the vote by which the Senate agreed to the resolution (S. Res. 334) requesting the Interstate Commerce Commission to prepare a manuscript covering the text of the various acts administered by it, annotated with digests of decisions, and indexed.

The VICE PRESIDENT. In the absence of objection, leave to withdraw the motion is granted.

#### THE PROHIBITION QUESTION

Mr. EDWARDS. Mr. President, I would like to have unanimous consent to have printed in the RECORD an article by Dr. Charles Norris, chief medical examiner of New York City, on the prohibition question.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[The New York Herald-Tribune, February 7, 1927]

PROHIBITION HIT BY DOCTOR NORRIS AS HEALTH PERIL—CHIEF MEDICAL EXAMINER PREDICTS DEATHS TRACEABLE TO POISON RUM SOON WILL STARTLE WHOLE WORLD

"It is utterly incomprehensible to me," said Dr. Charles Norris, chief medical examiner of the city for the last nine years, "how this country, containing the best brains and the most brilliant business men of the world, can calmly sit by and throw up its hands on the prohibition question, saying, in effect, they can do nothing about it."

Doctor Norris was interviewed in the library of his home at 344 West Seventy-second Street. He was resting from the labor of making the comprehensive report for Mayor Walker, printed Sunday, in which he showed that deaths and other afflictions due to alcoholic causes are steadily increasing under prohibition.

"The alcoholic psychoses," he explained, "which are disorders which formerly would have come under the general term of delirium tremens, but which embrace all the mental troubles resulting from excessive use of alcoholic stimulants, are amazingly on the increase during recent years."

#### CONDITION GENERAL, HE SAYS

"And though I am speaking only for New York City in my official capacity, I am able to state that the same condition is true of hospitals in other cities throughout the United States, even in States where prohibition was enacted before it became a part of the Federal Constitution."

"This situation I am convinced, and medical men who have studied the situation will confirm the statement, is due to the deleterious action on the human system of the poisonous drugs, such as 'barbers' alcohol,'



is now denatured by the Government. The physiological action of this and other poisonous drugs upon the human system is quite unknown. We have never had occasion to determine what the action would be and all we know is that the action is highly deleterious not merely to the body but to the mind.

#### CALLS DRY LAW SOURCE OF GRAFT

"Let us be simply sensible about this thing of prohibition. We know as a matter of fact that it is the greatest source of graft in the exercise of governmental functions that has ever been recorded. We know that it is utterly impossible to curb the human appetite. We know that by making sin sweet we make it more likely and we know that nothing exists about sin except its secretness. No man or woman knowingly commits sin in the open. But put a fence around either or both and they will sin to their heart's content.

"So, if drinking is a sin—which I neither affirm nor deny, for I am quite impartial in my personal relation to the subject—we have made it sweeter and more desirable by forcing it to be secret. Witness the hip flasks and the stocking flasks of to-day and the petting parties and the moral disintegration of a large section of our youth of both sexes.

#### MORALS LOWER, HE SAYS

"That is one thing prohibition can be proud of: It has brought our young people to a lower standard of personal morals than ever the world has known. This mental let-down is shown in the alcoholic psychoses which to-day are the bane of the medical profession. I carry no banner for drinking, but I do say that under drinking in its worst times we never knew such a moral looseness as is to-day visible on every hand.

"It is true that the Government must take some steps to carry out the law and to prevent violations. But it is quite necessary to make murder a part of the covenant? Is it wholly inevitable that the transgressor of the eighteenth amendment must carry his life in his hands all the time? Surely the violator hurts only himself and possibly the feelings of his friends or relatives when he transgresses. Must he then be made a victim of a death-dealing legislation?

#### SMILES AT CAPITOL BOOTLEGGING

"I have to smile when I think of legislation. Summoned to Washington some months ago to testify at a Senate hearing, I had pointed out to me the sleek, well-dressed man who was known as the official bootlegger of certain Senators, and also I was shown a negro attendant, who was known as the official 'try-out.' If a new bootlegger arrived, the stuff was administered to the 'try-out,' and if he survived, all was well. Nothing so comical or purely ridiculous has ever been thought out by any of the funny men of the Sunday colored pages.

"Denmark, Canada, Sweden, and Norway, even Russia, tried out some sort of prohibition, and it failed. The only hope they have found lies in some form of license. And that brings up the purely commercial side. Think of the millions, I might say billions, in taxes, America has lost through a farcical prohibition enforcement.

#### MILLION SPEAK-EASIES, HE DECLARES

"The swinging doors of old are gone—well and good. And what have we now? The locked doors of a million speak-easies throughout the land. Speak-easies rob the customer of every cent he has and take away his health besides, blaming the Government for it.

"Long years ago we had alcohol bootleggers. But no self-respecting saloon would ever handle their poison stuff. Now no self-respecting speak-easy will handle anything else.

"Unless the Government reaches into its drawer of magic and finds some way to remedy the situation, I venture to predict that the increase of deaths from organic troubles, all directly traceable to alcoholic excess under present conditions, will eventually startle the country and the world.

"We are using every effort to abate disease with one hand and with the other we are finding new ways, by legislation if you please, of increasing the damage to the human system, of making heart disease, cirrhosis, and all manner of kidney troubles more prevalent.

#### RUINING NATION'S HEALTH, HE SAYS

"We are in a condition of social helplessness, apparently. The physician has been set aside for the moralist, the bootlegger substituted for the nurse. To save a few drunkards—who never can be saved—we have cheerfully entered upon the business of ruining a Nation's health and gravely endangering its morals.

"It is a situation which might well give the angels pause."

Doctor Norris was born in Hoboken 60 years ago. He is a graduate of Sheffield Scientific School at Yale and of Columbia. He was for years instructor of pathology and bacteriology at Cornell, and is recognized throughout the medical profession as an authority on matters dealing with the health of the human body.

#### NICARAGUA AND THE BRYAN-CHAMORRO CANAL TREATY

Mr. ERNST. Mr. President, I ask consent to have printed in the RECORD an address on the subject of Nicaragua and the Bryan-Chamorro canal treaty, delivered by George T. Weitzel,

former minister to Nicaragua, before the Foreign Policy Association, in New York, on the 5th instant.

The VICE PRESIDENT. Without objection, the address will be printed in the RECORD.

The address is as follows:

#### NICARAGUA AND THE BRYAN-CHAMORRO CANAL TREATY

History is repeating itself in Nicaragua. The cause of the disturbances is not of recent origin. Disorders were frequent even in Spanish Colonial days, and after the independence of Central America and the organization of its five States in a Federal Union which lasted from 1823 to 1839, Nicaragua was the scene of continual bloodshed caused partly by the bitter rivalry of its two leading cities and partly by warfare with its neighbors, so that during the brief existence of the Confederation, no fewer than 396 persons exercised the supreme power of the Republic and its component States. The disorders are therefore not of our making but are caused by the nature and antecedents of the people, and also, which is perhaps of greater importance, by the physical character of their country; for Nicaragua, as the strategic center of the narrow isthmus, lying between the two seas and connecting the two American continents, provides, like Panama, Suez, and Constantinople, another potential water route for the rapid transportation of the world's commerce.

In order to pass judgment on whether American life and property are endangered by these disturbances, whether the Monroe doctrine is involved, and whether the United States Government has any special interests of its own to protect, it will be helpful to consider what has happened in the past, and to bear in mind that protection to be effective must come before, not after, the lives and property are destroyed.

During such consideration of past events the names "Liberal" and "Conservative" will frequently appear, but in Nicaragua they do not represent anything either progressive or reactionary, and have no meaning whatsoever. Indeed these names are seldom used except by poets and orators, the two factions being locally known as Occidentals and Orientals, showing the division to be purely sectional, grouped around Leon to the west, and Granada to the east of the capital.

A convenient starting point for our study of existing conditions in Nicaragua is 1909. In October of that year a revolution headed by Gen. Juan J. Estrada, a Liberal, broke out in Bluefields, on the Atlantic coast, against the government of Gen. José Santos Zelaya, also a Liberal. For a while it seemed no different from the other numerous attempts to overthrow the corrupt and barbarous régime which had ruled the country for more than 16 years, but in a few months the movement spread with amazing rapidity.

The United States took no particular interest in the matter until word was received that two American citizens had been murdered. An investigation was ordered, and it developed that the two unfortunates were executed by direct order of Zelaya himself. Thereupon, in the celebrated Knox note of December 1, 1909, the United States broke off diplomatic relations with the Nicaraguan Government, and on December 10 Senator Rayner, Democrat, of Maryland, introduced a resolution in the Senate authorizing the President of the United States to take all the necessary steps for the apprehension of Zelaya and for bringing him to trial for his crime.

Bad news travels fast even in Nicaragua, and when Zelaya heard of these happenings he fled from the country on board of a Mexican war vessel which had been sent to him for the purpose. Before leaving he conferred the title of president on one of his friends, Dr. José Madriz, another Liberal, who had then recently returned to Nicaragua to receive the gift after a sojourn of 14 years in Mexico. The United States refused to recognize either Estrada or Madriz as President of Nicaragua, but notified both of them that they would each be held responsible for the protection of American life and property within the territory under his de facto control.

After Madriz had been engaged for three months in a futile and bloody attempt to suppress the Bluefields revolution, Estrada, the leader of the revolution, having demonstrated by force of arms the strength of his following, made an offer on March 3, 1910, in which he proposed that the United States should be invited to mediate and to supervise elections for the choosing of a president and vice president of the Republic.

Madriz responded that he was the legitimate successor of Zelaya and that patriotism prevented him from admitting a foreign nation to act as intermediary in internal affairs. But in June, 1910, his agent on the Atlantic coast secretly proposed to the British minister at Guatemala, in consideration of English intervention, to cede Great Corn Island to England for a coaling station. One month later, when the victorious revolutionists had arrived at the gates of the capital, Madriz changed his mind about the United States and sent urgent appeals to the Department of State to interpose in behalf of peace and humanity, expressing his willingness "to follow every indication which the Government of the United States may be pleased to make"; and receiving no reply, he requested mediation by foreign consular corps in order to gain time to make a safe exit from the country.

All organized opposition to General Estrada having ceased, the latter applied to the United States for recognition and assistance, but the United States still refused to recognize him until his power should be regularized and his title confirmed by the people in a general election. However, the Department of State sent a special commissioner to Managua, Mr. Dawson, who was then minister to Panama; and through his good offices the leaders of the Bluefields revolution entered into agreements among themselves known as the Dawson agreements, which contained the following provisions: First, the calling of general elections and convocation of a constituent assembly to reorganize the government; second, the annulment of all illegal contracts and concessions, making reimbursement when justly due; third, the organization of a mixed claims commission for ascertaining and paying claims; and fourth, the rehabilitation of the finances of the country by means of a loan placed in the United States and supervised by the Department of State.

Elections were accordingly held and resulted in the naming of General Estrada for President and Don Adolfo Diaz, a business man of character and ability, for Vice President. After the election and inauguration of the new officers on January 1, 1911, the United States extended recognition and resumed diplomatic relations, which had been broken off in 1909.

The new Government was in the nature of a coalition such as has been tried numerous times in Nicaragua, but has never yet succeeded. The President, Estrada, a Liberal, and the Vice President, Diaz, a Conservative, soon found themselves regarded as mere figureheads, because the real power was being exercised by Gen. Luis Mena, a Conservative, who had been named Minister of War and was thereby in control of the army and all military supplies.

Estrada's position became untenable, and he resigned in May, 1911, being succeeded by the Vice President. For a time matters grew worse, and the prospect seemed very dark for Diaz, as he was not a military man and appeared to be sure to fall whenever General Mena should decide to seize the power for himself. In the meanwhile, through the good offices of the Department of State, a small loan of \$1,500,000, afterwards increased to \$2,500,000, had been placed with New York bankers. The proceeds were used to establish a national bank in Nicaragua, to convert the currency on a gold-exchange basis, and to pay off some of the most pressing claims through the Mixed Claims Commission.

The results were so successful and Diaz's power was thereby so strengthened that he resolved to assume real as well as nominal responsibility for the Government. Accordingly, he demanded the resignation of General Mena as a member of his cabinet. Mena had prepared for this eventuality by removing the military supplies to a previously arranged stronghold at Granada; so, after resigning, he proclaimed a revolution, calling on the Liberals for support. They were glad to take advantage of this split among the Conservatives, and a bitter struggle followed for supremacy; but Diaz, with the assistance of Gen. Emiliano Chamorro, a popular and skillful military leader, suppressed the revolution and consolidated his power.

During the hostilities the rebels bombarded for four days the residence section of the capital where the legation was located. As no military purpose could be served, the object seemed to be to terrorize the people. One hundred and thirty-two women and children were killed or injured. To prevent any more such barbarities the American minister notified the rebel leaders that in the interest of humanity and for the protection of the lives of Americans, foreigners, and non-combatants no further bombardment or other hostilities would be permitted in the capital. Meanwhile, but after the rebels had been repulsed from Managua, one battalion of 350 marines under Maj. Smedley Butler had arrived.

When order was restored the marines were withdrawn except a few who were at the request of both factions retained for a number of years as a legation guard. Peace being thereby assured, the Nicaraguan Government was able to rid itself of a big army and costly military expenditures, with the result that the country entered on a period of great prosperity, during which it refunded at a reduced interest rate its debt of several million dollars to British bondholders, settled its French indebtedness, paid off the New York bankers, recovered full ownership of its national bank and railroad, and engaged in much-needed and long-deferred public improvements. Another quite remarkable fact which speaks volumes for the financial reorganization is that Nicaragua during the World War was one of the few countries that maintained its currency on a par with the dollar.

In 1923 President Diego M. Chamorro, who had still one year to serve, died in office, and was succeeded by Vice President Martinez. This was the beginning of the present trouble. Martinez, who had been elected to office by the Chamorro vote, desired to succeed himself, but the Conservatives, knowing that reelection was prohibited by the constitution and would not be recognized by the United States, refused to support his ambition; and as a result of this break with his party organization he planned to choose his own successor and run him on a coalition ticket.

In these circumstances Carlos Solorzano, a Conservative, was selected as nominee for President, and Juan Bautista Sacasa, a Liberal, for Vice President. Meanwhile, the regular Conservative Party met in con-

vention and nominated Emiliano Chamorro as its candidate; and the Liberal Party named Dr. Luis Corea, formerly Nicaraguan minister to the United States.

As the Conservative Party believed it had a clear majority of voters in the country, if given a square deal by Martinez, who was in control of the machinery, Chamorro appealed to the United States to supervise the elections and use the marines for the purpose. The Department of State seemed to look with favor on the proposal, but Martinez, the official head of the Government, rejected the suggestion, and no supervision was had.

In the elections which followed in October, 1924, the adherents of Chamorro claimed a victory and in support thereof showed that he carried Managua, the home of Solorzano, by a larger vote than the combined strength of Solorzano, Sacasa, and Corea, no fraud having taken place in the capital because of the presence of the legation. But elsewhere, they alleged, gross frauds were committed by the Government, one instance being cited of the throwing out of the entire vote of Chamorro's home district of Chontales. They further alleged that the Government, in order to get a friendly Congress, upon which body rested the duty of canvassing the returns, used force to deprive sufficient Chamorro deputies, including the presiding officer, of their seats to obtain a Solorzano majority. Martinez was said to be actuated by the hope that both candidates, because of the frauds, would fail of recognition, and that consequently he would remain in the Presidency.

Notwithstanding these charges of fraud and violence, the new coalition government composed of Solorzano, Conservative, and Sacasa, Liberal, entered office on January 1, 1925, and was duly recognized by the United States. But Solorzano soon found himself in difficulties in selecting a cabinet. He knew that if he put the military power in control of the Liberals they would use it to overthrow the Government, as Mena had attempted to do when Minister of War in 1912; on the other hand, Solorzano felt equally sure that the Conservatives, if given an opportunity, would assume the direction of affairs.

In these trying circumstances he attempted to compromise, and the Conservatives regarding his action as a slight on his own party to the advantage of its opponents, decided to seize the key positions before the Liberals could act. So bitter are the rivalries and feuds between the two parties that each fears and expects violence to person and property at the hands of the other if it be in control of the Government. For that reason both factions regretted the withdrawal in August, 1925, of the marines, a small number of whom by their mere presence had been sufficient to guarantee peace for more than 12 years.

Left to their own devices, the Conservatives on October 25, 1925, without serious opposition took possession of the fort which controls the capital and turned it over to Chamorro. The latter assured Solorzano that there would be no interference with the Presidency, and that the only purpose of the move was to forestall the Liberals from doing the same thing. For a while Solorzano was apparently satisfied with this assurance and continued to hold office, but Sacasa took fright and fled to Mexico. Congress met and demanded his return to Nicaragua to answer charges; he refused, and was thereupon removed from office, and the Vice Presidency was declared vacant. This caused Solorzano, who is an amiable individual, unused to the tribulations of politics, to waver back and forth, and finally to resign on January 16, 1926. There being then vacancies in both the Presidency and Vice Presidency, Congress named Chamorro as Chief Executive in conformity, it is said, with the provisions of the constitution covering such a contingency. The matter was thus put up again to the United States on the question of recognition.

Under the Central American conventions signed at Washington in 1923, of which the United States, although not a signatory, is committed to moral observance, it is provided that the contracting parties will not recognize any other government which may come into power in any of the five Republics through a coup d'état or revolution. Clearly there had been no revolution in the sense of violence and bloodshed; and Chamorro made the claim, somewhat technical, that there had been no coup d'état in the taking of the fort, because Solorzano had continued to function as President for several weeks thereafter.

However, the United States refused to extend recognition, and on January 22, 1926, the Nicaraguan Minister in Washington was so informed; but Chamorro continued in the Presidency until October 30, 1926. Denial of recognition showed the Secretary of State's disposition to insist on strict observance of the Nicaraguan constitution and to be impartial between Conservatives and Liberals, notwithstanding that Chamorro, a man of the highest character and ability, had previously demonstrated his friendship for the United States by negotiating with Secretary Bryan the present canal treaty even against the bitter opposition of the Zelaya faction of Liberals who are leading the present revolution.

In May, on the east coast, they started an insurrection which Chamorro suppressed, but another followed a few months later and made such progress that American lives and property became endangered, necessitating the dispatch of naval vessels to Bluefields, where, with the consent of both factions, Admiral Latimer established a neutral zone. That these precautionary measures were taken



at the proper time seems to be indicated by the later action of the British and Italian Governments in requesting of the United States protection for their nationals.

A peace conference was called at Corinto and upon its failure Chamorro resigned and turned over the executive power to Uriza. The United States declined to recognize him, so Uriza called a special session of the Congress which had been elected at the same time as Solorzano. On November 11, 1926, Sacasa still being absent from the country, Congress elected Don Adolfo Diaz as President in the method provided by the constitution, and the United States at once recognized him.

President Diaz upon his inauguration addressed a note to the United States Government requesting its guidance, cooperation, and aid in restoring peace and order. He declared that he could easily control the situation if it were not for the hostile attitude of the Government of Mexico, which also imperiled the interests of Americans and foreigners in Nicaragua and threatened what he described as the "continental equilibrium"; and at the conclusion of his note he said:

"I desire to manifest to you at the same time that whatever may be the means chosen by the Department of State, they will meet with the approval of my absolute confidence in the high spirit of justice of the Government of the United States."

In a later statement he explained that his absolute confidence in the motives of the United States when dealing with the smaller republics of Latin America was due to its conduct in the past, when it willingly withdrew, without compulsion from any source, its forces from Cuba, from the Dominican Republic, from Nicaragua, and the other countries after rendering them unselfish services in the restoration of order and the stabilization of government.

Precedents cited by him for sending naval vessels and marines to protect American and foreign life and property go back many years. In 1896 President Cleveland disembarked forces at Corinto, Nicaragua, on request of the then government of President Zelaya, who, in an official note of February 25, urged the United States to take this means of protecting property and supporting his government against revolutionists. It is a noteworthy circumstance that the request at that time came from the Liberals, who are now shouting treason at the Conservatives for doing the same thing. It is also interesting to know that the property to be protected in that case was principally British and not American, nevertheless Mr. Cleveland complied with the request in pursuance of the obligations imposed by the implications of the Monroe doctrine and also because he had in mind a far more important reason for taking vigorous action. Without going too deeply into his motives and the then recent history which impelled them, it is sufficient to say that in 1894 President Cleveland accomplished one of his greatest diplomatic triumphs when he finally succeeded in terminating the protectorate which Great Britain had exercised over the so-called Mosquito Kingdom, which included the whole eastern coast of Nicaragua from Cape Gracias to the San Juan River and which formed the basis for the British pretension to equal authority with the United States over any canal route across the isthmus.

It might be thought that this diplomatic stroke by the great President would finally have eliminated England from Nicaraguan affairs, but the lesson of history is that the highways of commerce have ever been the subject of most profound interest to the trading nations of the world and their attention therefrom is not easily distracted. In 1895 the British seized Corinto, the principal port of Nicaragua, in order to collect a claim for indemnity. It is therefore not surprising that when, in the following year—1896—President Zelaya requested the United States to land marines to protect British property and to support the Liberal Government against revolutionists, Mr. Cleveland, although it was campaign year, did not hesitate to respond.

Since his day every President of the United States has sent naval vessels and marines to various Latin-American republics when needed to protect life and property, or has maintained the guard sent by his predecessors.

Referring merely to a few important cases without attempting to trace all of them, it may be noted that United States forces were landed in 1901 in Panama; 1902 in Colon; 1903 in Dominican Republic, where they stayed off and on for 11 years; 1906 in Cuba for pacification service which lasted to 1909; 1907 in Honduras; 1908 in Panama; 1909 an expeditionary regiment of marines was sent to Nicaragua and remained on board naval vessels for five months in the waters of Corinto; 1912 in Nicaragua, where a marine guard was stationed until August, 1925; 1915 in Haiti to the present day; 1916 in Dominican Republic for eight years; and 1924, 1925, and 1926 in Honduras.

Every administration has been faced with the problem of putting an end to the constant disorders in Central America, and thereby removing the occasion for European interference in a strategic position to menace communications between our eastern and western shores; and numerous solutions have been proposed for assisting the small republics and strengthening our national defense.

It is too long a story to trace the trial and failure of them all, but in 1911 the Department of State decided to try out in Nicaragua the

plan which President Roosevelt had worked with great success in the Dominican Republic in 1907, known as "dollar diplomacy," because it provided for reorganization of finances under an American collector of customs and for payment of the foreign debt in order to eliminate European interference, the theory being to prevent disorders by taking away from revolutionists any opportunity to seize customhouses which had always been a principal incentive for overturning governments. As the late Senator La Follette, of Wisconsin, who was neither a banker nor a militarist, supported the Dominican treaty it can hardly have been intended as a Wall Street measure or an act of imperialism.

The financial plan as applied to Nicaragua was embodied in the Knox-Castrillo loan convention, signed at Washington June 6, 1911, and provided for an amount sufficient to pay off the European indebtedness, to meet internal obligations, and to construct a railroad from the Atlantic to the Pacific. It was promptly approved by the Nicaraguan Congress, but met with opposition in the United States Senate, and a motion to report it out of the Foreign Relations Committee in 1912 (the Taft administration being then in a minority and divided on the Roosevelt issue) was lost by a tie vote in May of that year. This action was interpreted by the Zelaya elements in Nicaragua to be a repudiation of President Taft and an invitation to overturn his policy in Central America. Accordingly in a few weeks the Mena revolution mentioned above broke out in Managua, but was eventually put down by President Adolfo Diaz.

After the loan convention failed in the Senate a new plan was devised and embodied in the Canal treaty which was negotiated by Secretary Knox and signed by the American minister at Managua on February 8, 1913. It contemplated that the desire to control the canal route had caused many of the foreign complications and internal disorders of Nicaragua, and that peace would be promoted if this cause were removed by conferring on the United States an option to build the canal.

Without going into the details of these foreign complications and the seizure by different European governments at various times of Greytown on the Atlantic coast, Corinto on the Pacific, and Tigre Island in the Gulf of Fonseca, it may be mentioned that one of the objects of the ill-starred attempt of the French to establish Maximilian's Empire was to extend the power of Mexico to include the boundaries of Nicaragua. Napoleon III, whose enthusiasm for the canal project had been aroused by certain of the Leon Liberals, wrote as follows:

"There exists in the New World a State as admirably situated as Constantinople, and we must say, up to this time, as uselessly occupied. We allude to the State of Nicaragua. As Constantinople is the center of the ancient world, so is the town of Leon the center of the new, and if the tongue of land which separates its two lakes from the Pacific Ocean were cut through, she would command by virtue of her central position the entire coast of North and South America. The State of Nicaragua can become, better than Constantinople, the necessary route of the great commerce of the world, and is destined to attain an extraordinary degree of prosperity and grandeur."

But the French challenge to the Monroe doctrine was answered and Louis Napoleon's dream of conquest vanished when Grant's army, after Appomattox, moved toward the Rio Grande.

Union of Nicaragua with Mexico was not original with Napoleon, as the annexation of the whole of Central America to the so-called Mexican Empire had already been once forcibly accomplished in 1822 by the Mexican Emperor Iturbide. That action was vigorously protested and fought by all five Republics, and Salvador petitioned to be annexed to the United States.

The southern as well as the northern neighbor of Central America has entertained an ambition to secure control of Nicaragua. The Republic of Colombia set up a claim in September, 1880, to the entire Atlantic coast of Costa Rica and Nicaragua as far north as Honduras, the apparent purpose being to frustrate the negotiations relating to the proposed canal then being carried on between Washington and Managua.

Most of the internal conflicts in Nicaragua are caused by the bitter feuds and rivalries between the two chief cities, Leon and Granada, resembling the Guelph and Ghibelline struggles of the Italian cities of the Middle Ages. In colonial days Leon was the capital, bishopric, and garrison, and as such had become the residence of the civil, religious, and military authorities sent from Spain to govern the country. On the other hand, Granada had grown to be the center of the trade and wealth of the colony by virtue of its advantageous position at the head of the lake, 3,000 square miles in area, which connects with the Atlantic by the San Juan River. As the people of Granada were denied any voice in the government at Leon they led the movement for independence and fought the rival city. Even after separation from Spain their antagonism did not cease and for more than 30 years they were engaged in bloody warfare, both cities being several times partially destroyed. It was during this period that the celebrated adventurer, William Walker, was called in by the Leon Liberals to assist them against Granada, and ended by making himself President. The two cities also took opposite sides on the canal question. Granada desiring commercial development favored the enterprise, while Leon, though friendly to the United States, continued to oppose any measure that would supposedly contribute to the advantage of its rival. If it had

not been for the opposition of Zelaya, then leader of the Liberals, the Nicaraguan route would probably have been chosen in 1903 in preference to that of Panama.

The Taft financial policy in Nicaragua, known as "dollar diplomacy," was continued and even enlarged by the succeeding Wilson administration; and not only was the Knox canal treaty fully approved by Secretary Bryan but he also redrafted it under the name of Bryan-Chamorro treaty, adding a provision similar to the Platt amendment, conferring protectorate rights on the United States. The amendment failed of adoption, but on February 18, 1916, the Senate advised and consented to the ratification of the treaty. Rights acquired thereunder are therefore not merely contractual; Article VI, clause 2, of the Constitution provides, in part, that "all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land."

Mr. Bryan negotiated a new loan for Nicaragua from American bankers as well as suggested the protectorate, but he never professed to be acting in the interests of Wall Street; and although he kept marines in Nicaragua during his entire term of office and also acquired for the United States a naval station in the Gulf of Fonseca, he would have resented the charge of imperialism. As a matter of fact Mr. Bryan did what every Secretary of State does when faced with the practical responsibilities of office. One who is not a deserving Democrat may, perhaps, be permitted to say in justice to Mr. Bryan that if the Senate had accepted his amendment to the treaty the Nicaraguan problem would have been settled without bloodshed.

Whatever variations of our foreign policy toward other countries have been caused by changes of administration, it may be confidently asserted that in the matter of protecting our interests in Nicaragua there is an unbroken line of precedents from Cleveland through Roosevelt and Taft to Wilson. And President Coolidge, in his recent message to Congress, said: "It has always been and remains the policy of the United States in such circumstances to take the steps that may be necessary for the preservation and protection of the lives, the property, and the interests of its citizens and of this Government itself. In this respect I propose to follow the path of my predecessors."

The President is on equally well-trodden ground in the matter of recognition of the Diaz government. By the United States Constitution, the power to recognize a foreign government is vested exclusively in the Executive, and can not legally be interfered with or restricted by Congress. In practice, at least with respect to Central America, the act of recognition is not a mere formality. Because of the weight of our moral influence, recognition may so strengthen a government as to enable it to withstand attacks of its enemies; and on the other hand, nonrecognition may cause its downfall. Both recognition and nonrecognition are therefore positive functions upon which the Executive alone has the power and information to pass.

Our policy regarding recognition has not always been uniform, but we have invariably required that the government seeking recognition should be in de facto control of the country at the time of recognition. By this test Doctor Sacasa's claim was utterly without merit, as he had fled from Nicaragua, and even since his return has no control whatsoever, except perhaps in two ports on the Atlantic coast. The real Nicaragua, where substantially all of the Nicaraguan population and most of the wealth are concentrated, is west of the Continental Divide, which is entirely free from revolutionist activities except sporadic attacks by raiders. Diaz is not only in de facto control but is also de jure President by virtue of election in conformity with provisions of the constitution. The principal charge against him is that he believes that friendship with the United States offers the best prospect of solving the difficulties of Nicaragua.

In 1912 Secretary Knox announced the principle, which has been followed ever since, that the United States would lend its moral support to constitutional government in Central America and would discountenance revolution. The Washington conventions of 1907 and also those of 1923, negotiated under the auspices of Secretary Hughes and signed by all five of the Central American Republics, contain a more rigid provision that any government coming into power by coup d'état or revolution shall not be recognized. This idea, to be consistent, would seem to require as a corollary that the United States should exercise some sort of supervision over elections, as it did on one occasion in Panama; otherwise a party in control of the machinery may keep itself indefinitely in office, and, as claimed by General Chamorro at the time of the last election, the will of the majority would have no means of protecting itself against fraud.

Elections, as now conducted in Central America, it must be admitted, do not mean the same thing as in the United States and might, if judged by our standards, cause some investigations and rejections. One difficulty is the lack of education of the mass of the people, and their inexperience in government. There are no political parties in our sense of the term. The names Liberal and Conservative, as stated above, are misnomers. Among themselves the Liberals are known as the reds and the Conservatives as the greens, from the respective colors worn in their contests. The only real party issue in Nicaragua is the feud between Leon, the Liberal stronghold, and Granada, the headquarters of the Conservatives. The losing party in an election never

concedes defeat, but waits for a chance to oust the other; this is usually found when the faction in power splits, or a coalition or compromise can be effected with the "resentidos" or disgruntled, or with the assistance of elements in the neighboring republics. Then a revolution starts, which is seldom a popular movement, but a military uprising getting its adherents by conscription.

Not only are the Liberals in a minority but they are divided into numerous factions, so that even if the present revolution were to succeed, Sacasa, who is a kindly doctor and a gentlemanly figurehead, would be thrust aside and all of his generals would become candidates for president. Lacking in cohesiveness, the Liberals are seldom able to summon their full strength to the polls. For this reason when in power from 1893 to 1910, Zelaya and Madriz never risked an election or thought it necessary to ascertain the popular will, whereas since their régime elections have been held with constitutional regularity.

When all is said and done, in spite of their fighting proclivities, perhaps because of them, the Nicaraguans are a most likeable and interesting people. Nobody can live among them for any length of time and know them well enough to converse in their own language without forming a genuine attachment for them. On the other hand, the Nicaraguans admire and trust the United States, as conclusively demonstrated during the World War, when they declared war on Germany and became an associate in the American cause; but it is nevertheless true that some of the local leaders for selfish or political purposes may in times of turbulence incite them to acts of unfriendliness.

With life and property so insecure during such disorders, it is much better for the United States to take up the task, however unpleasant, to stay the hands of the leaders of the revolution rather than collect indemnities afterwards from the innocent people. And when the United States takes such action, not against the consent but at the request of the Nicaraguan Government, it is a misuse of language and a misunderstanding of international law to call it "intervention." It is likewise an abuse of terms to describe friendly services as "imperialism" when the forces are withdrawn as soon as peace is restored and government stabilized.

Criticism of international relations is usually vigorous and controversial, depending on the point of view and the interest to be served; but if it is to be helpful and constructive it should take into consideration the aims and purposes of the two Governments most directly concerned.

The attitude of the Nicaraguan Government was well expressed by its President in 1923, when, shortly before his death, he spoke as follows:

"Nicaragua has by the accident of fate been chosen to help the United States in working out the problem of their relationship to Latin America. The problem is everywhere the same, for the United States are, by their power and place, the natural protectors of these countries, and logically hold their place of influence in this hemisphere. Latin America enjoys existence as separate, free nations, in large part, because of the United States. Even Chile and Argentina, for all their pride, owed their opportunity to achieve their high standing as independent nations to the United States; without the United States and the Monroe doctrine they would, even to-day, be unable to stand before any first-rate European power."

"The difference between those others and Nicaragua then, is that Nicaragua recognizes and is proud to admit the fact of this relationship with the United States. Nicaragua works with the facts as they are, and is solving its problems by the hard realities of its situation. \* \* \* Moreover, as I can say with authority, Nicaragua has not had and never will have any threats against its independence from the United States. For seven years I was Foreign Minister of Nicaragua; I was minister in Washington for two years, and now for three years President. Never in all those 12 years have I found the United States grasping or unjust or unwilling to help us as wisely as they knew in all that concerned Nicaragua's welfare."

The policy of the United States was restated recently by President Coolidge, in his reply to Don Alejandro Cesar, the new Nicaraguan minister, at the time of the latter's presentation of his letters of credence. The President said:

"The United States, as I know your Government and the people of Nicaragua fully appreciate, has no selfish ends or imperialistic designs to serve. \* \* \* The United States desires the independence and the prosperity of every Central American Republic."

REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 203)

Mr. PEPPER. From the Committee on Printing I present the report of the National Society of Daughters of the American Revolution, which was submitted under the law, and from the Committee on Printing I also report a resolution under the law for printing the report as a Senate document. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER (Mr. Goff in the chair). Is there objection?

There being no objection, the resolution (S. Res. 346) was read, considered, and agreed to, as follows:



*Resolved*, That the "Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1926," be printed, with illustrations, as a Senate document.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. HATTIGAN, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11601) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, etc.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16576) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1928, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHREVE, Mr. ACKERMAN, and Mr. OLIVER of Alabama were appointed managers on the part of the House at the conference.

#### STATE, JUSTICE, ETC., APPROPRIATIONS

The PRESIDING OFFICER (Mr. NEELY in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16576) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1928, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. I move that the Senate insist upon its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES of Washington, Mr. SMOOT, Mr. HALE, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

#### REGULATION OF RADIO COMMUNICATIONS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. DILL obtained the floor.

Mr. PITTMAN. I ask the Senator from Washington if he will yield to me to have read a letter from the Radio League of America (Inc.) on this question?

Mr. DILL. I shall be glad to do so.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

THE RADIO LEAGUE OF AMERICA (INC.),  
Washington, D. C., February 5, 1927.

HON. KEY PITTMAN,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We hope that you will press the matter of throwing the radio conferee report back into the committee for more thoughtful consideration and a more thorough investigation before any legislation is enacted upon by the Senate.

A careful study of the reports of statements made before the committee on the White bill and the committee on the Dill bill will reveal the fact that there has been heard but one side of the question, namely, that of the Radio Corporation and their allied interests and the Department of Commerce, and this report which is before you clearly shows the handwriting of the Radio Corporation of America.

You will also note in studying the reports in the hearings on these bills that complaint was made by Norman S. Baker, president of the American Broadcasters Association, that Secretary Hoover has showed discrimination in dealing with the small and independent broadcasting station and favoritism toward the interests during the time that the control was supposedly held by him, and the said Norman S. Baker publicly before the committee announced that he intended to ask for an investigation of Mr. Hoover's action.

Congressman E. L. DAVIS, of Tennessee, a member of the conferees who failed to sign the conferees' report, as you already know, stated to us in an interview the other day that after the resolution passed by Congress and signed by the President requiring all broadcasting station operators to sign waivers of vested rights in the air, Radio Corporation and its allied interests signed these waivers under protest. This gives you to understand their position and their intent of obtaining vested rights under the conferee compromise.

Congress is being fooled as to the demand for legislation by a carefully managed system of propaganda demanding legislation—Radio Corporation and their allied interests assisted by the Department of Commerce. The people of America have not awakened to the fact that radio is a power, and the question is not of clearing the air but of power control for the future.

The fact is that the so-called interference is a manufactured interference as the statements made before the two committees will show if studied well, and that the Department of Commerce is not guiltless in the manufactured interference.

A demand for an investigation of the way radio control has been handled by the Department of Commerce and in whose interest it has been operated for the past four years, and the steam-roller rulings that have been forced over the independent broadcasters during that time, which caused some of them to bring the matter to the attention of the Federal courts, and which, in fact, threw this matter into Congress, should be thoroughly investigated before any legislation is enacted or a great injustice will be done.

The enactment of the proposed conferee compromise bill at this time can only be looked upon as a congressional permit for a national trust in radio, and will act as a precedence for the letting down of the bars of the Sherman antitrust law and the Clayton Act and, therefore, is dangerous legislation.

One of the worst features of this bill is the power granted to the commission to grant wave lengths and time allotment to stations. No law can be enforced under the Constitution of the United States that grants the right to operate a line of industry to one man or corporation and refuses that right to another. And when such commission is established and a request is made the same old question of interference will arise to be settled by the commission, and the only grounds that such objection can be given is on account of the interference with stations already licensed, which brings up the priority right, which means proprietary right and hence vested rights.

We are not against fair regulation for all, but we recognize the fact that Radio Corporation and her allied interests are more interested in the advertising purposes of radio than in the public's enjoyment of radio as an entertainer and educational utility.

Canada has placed the radio industry in its proper position as a utility by an enactment of law passed by Parliament some three weeks ago, which forbids "direct advertising" on the radio. Such a demand on the part of Congress would settle the question of "interference" and would lessen the number of stations and discourage the ever-increasing number of stations.

We hope you will fight this matter in the interest of the people and good government.

Respectfully yours,

THE RADIO LEAGUE OF AMERICA (INC.),  
C. WOOD ARTHUR, Secretary.

Mr. PITTMAN. Mr. President, before the debate starts, so as to have the matter in the RECORD in consecutive order I should like, with the consent of the Senator from Washington [Mr. DILL], to have read at this time my motion embodying instructions, which is before the Senate.

Mr. DILL. Very well.

The VICE PRESIDENT. The clerk will read the motion of the Senator from Nevada.

The Chief Clerk read as follows:

The Senator from Nevada [Mr. PITTMAN] moves that the Senate disagree to the conference report and to the amendments of the House; that a further conference be asked and that the managers on the part of the Senate be instructed to insist that a provision be included in the bill requiring the applicant for license to execute in writing a waiver of any right or any claim to any right as against the United States to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof; and also, that the managers on the part of the Senate be instructed that a provision be inserted in the bill that the life of the act shall terminate and expire on February 15, 1928, and that no licenses be executed or granted under the act for a longer term than the expiration of the act, namely, February 15, 1928.

Mr. PITTMAN. Mr. President, I received this morning the letter which I had read at the desk from the Radio League of America sustaining the motion that I have made by what I consider to be a very able argument. The Radio League of America, as I am informed, is a very large association having for its members amateur broadcasters and independent broadcasters and those who are interested in radio throughout the United States either as broadcasters or as receivers.

I wish to say here that by my motion I have raised only two questions: One of them is that the policy which was established by Congress at the last session shall be maintained. We passed a joint resolution in the last Congress, on the failure of general legislation on the subject of radio, in which we used the exact language that I have employed in the motion with regard to the waiver of any claim to any right as against the United States. That policy was well considered, and both branches of Congress indorsed it by the joint resolution which was passed. Whether it is of great importance or not of great importance in the ultimate determination of the legal question, it seems to me that the Congress of the United States is placing itself in a bad

position when it deliberately recedes from a policy which it adopted last year.

There is involved just one other question, to which I wish again to call attention, and that is the particular reason why I desire that this proposed legislation shall continue for only one year. I am opposed to a great many provisions of the bill, but I am willing that the bill shall be enacted and that the law be tried out for one year. Here is a provision that is very dangerous. It is section 14 of the conference bill, and provides:

Any station license shall be revocable by the commission for—

The provision then enumerates several grounds on which licenses shall be revocable, and the commission may revoke on those grounds. However, here is what I am particularly calling attention to:

or whenever the Interstate Commerce Commission, or any other Federal body in the exercise of authority conferred upon it by law, shall find and shall certify to the commission that any licensee bound so to do, has failed to provide reasonable facilities for the transmission of radio communications, or that any licensee has made any unjust and unreasonable charge, or has been guilty of any discrimination, either as to charge or as to service or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service.

What I am calling attention to is that these most vital questions must first be determined by the Interstate Commerce Commission or by the Federal Trade Commission. Under this bill, should it become a law, the wrongs that may be committed are going to be wrongs of discrimination as to service and otherwise, wrongs of overcharge, wrongs of monopoly; and yet those vital questions as to the conduct and operation of radio can not be determined by the Federal radio commission, but they must first be determined by the Interstate Commerce Commission or the Federal Trade Commission. There are many reasons why that would be objectionable. In the first place, the Interstate Commerce Commission and the Federal Trade Commission know nothing of the science of radio or the industry of radio. In the second place, those commissions have not time to study or to learn that science, because it is a well-known fact that the Interstate Commerce Commission to-day is overburdened and away behind in its work. In the third place, a tremendous industry of this kind, which is growing beyond the imagination of men, whose power can not be conceived, should be studied by a commission, a permanent commission, the members of which or some of them should always be in office.

The Interstate Commerce Commission has proven a success. The proposed radio commission was framed along similar lines to those of the Interstate Commerce Commission, and it is as essential to the proper control of this new industry as is the Interstate Commerce Commission to the railroad industry. Yet the proposed radio commission is divested of the power of considering charges of discrimination; it is divested of the power of considering charges of monopoly; it is divested of the power of considering questions of overcharge; it is divested of the power of considering charges of a failure of service. If there is any doubt about that, I wish to read a colloquy between the Senator from Washington and myself on Saturday to see whether or not that is the fact. I read from page 3120 of the CONGRESSIONAL RECORD of February 5:

Mr. PITTMAN. I do not know whether it does or not, but I will admit it does. However, what happens? All questions of discrimination, all questions of monopolization, all questions of overcharge, and all the other matters referred to in the provision which I have read can not be taken before the commission which understands the case and is supposed to know something about the radio business, but a complainant will have to go to the Interstate Commerce Commission, which knows nothing on earth about it. It is a perfectly absurd situation.

Mr. DILL. Let me say to the Senator that that power is to-day lodged in the Interstate Commerce Commission by law. The Senate bill took that power away from the Interstate Commerce Commission and gave it to the new commission.

Mr. PITTMAN. Why did the Senate do that?

Mr. DILL. Because the Senate thought that was properly a part of the work of the commission as a permanent body.

Mr. PITTMAN. Does not the Senator from Washington think so?

Mr. DILL. I do, but the House insisted that we should not give that power to the radio commission at this time; and I say again to the Senator that this was a matter of compromise.

Mr. President, I have stated the two main objections I have to the bill in its present form. I do not insist that the bill, which has been worked over so long, shall be defeated in the last hours of this Congress, but I do insist that we should treat it as a temporary measure; that we should announce to the country and to the radio industry that this is not the final law, that this is not the final word. I think we should say

to them, "We will give this legislation a trial for 12 months, and then we will come back here next December and prepare permanent legislation, and that permanent legislation will either be reenactment of the law as it is or the enactment of legislation of a similar character with such changes as Congress may then think proper in view of the experience obtained during the operation of the act for one year." What harm can there be in that? There is no doubt that the Congress will be just as anxious to enact legislation at the next session as it is now. The same reasons that exist now for urgency in enacting legislation on the subject will exist then. The only difference is that if we now enact hasty legislation, legislation that is not understood or is defective, when we come back here to amend it, to amend a permanent law, we will be subject to obstruction and delay in this body which, if seriously maintained by 8 or 10 Senators, may result in its defeat. But, under our rules, we can very easily overcome any such danger. We can simply limit the life of the legislation, and then new legislation will be required. I think that it is far sounder that we should experiment with this legislation; and for that purpose I urge that there shall be a clause limiting the life of this bill to one year, and that there shall also be a provision in it that no license shall be granted beyond that period of time. Then, when we come back here at the next session, having the experience of 12 months, having a report from the commission, having a report from the Secretary of Commerce, we will be prepared to consider and enact permanent legislation.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. PITTMAN. Certainly.

Mr. ROBINSON of Arkansas. In all probability after the 4th of March the Congress will not again be in session until the first Monday in December. If the legislation that we enact now expires by limitation in the bill itself on the 15th of February, 1928, does not the Senator gravely doubt whether there will be any revised legislation before the expiration of this act?

Mr. PITTMAN. I do not anticipate it, Mr. President. We meet in December, and that will give us two and a half months in which to prepare legislation before that expiration.

Mr. ROBINSON of Arkansas. The difficulty about it is very great where differences of opinion are sharp, as they appear to be concerning this legislation. I wonder why the Senator does not extend the limitation so as to include the probable term of the next session of Congress.

Mr. PITTMAN. I am perfectly willing to do so.

Mr. ROBINSON of Arkansas. I make that suggestion to the Senator because, unless that is done, I think it is more than probable that if this motion prevails we will find ourselves in the same situation on the 15th of February that we are in now.

Mr. PITTMAN. Mr. President, I modify my motion in accordance with the suggestion of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Of course, it might be suggested, with reference to the wording, that that is not a definite date. Nevertheless, for practical purposes of legislation it will be notice to Congress that unless we act during the next session there will be no law governing the subject.

The VICE PRESIDENT. The Secretary will state the motion as modified.

The legislative clerk read as follows:

I move that the conference report be recommitted to the conferees, with instructions to the managers on the part of the Senate that they insist that a provision be included in the bill requiring the applicant for a license to execute in writing a waiver of any right or of any claim to any right as against the United States to any wave length, or to the use of the ether in radio transmission because of previous license to use the same, or because of the use thereof; also, that the life of the act terminate and expire on the last day of the first session of the Seventieth Congress, and that no license be executed or granted under the act for a longer term than the expiration of the act.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. FLETCHER. I should think that would be an improvement on the original motion. I desire to ask the Senator with regard to the waiver clause of which he speaks. In the bill, page 5 of the conference report, appears this language:

No station license shall be granted by the commission or the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

The question in my mind is whether that was not intended to cover what the Senator has in mind in the first provision of this motion, because it is limited there by the language "as



against the regulatory power of the United States." I am not clear whether that is broad enough to meet the view of the Senator; but I call his attention to that provision in the bill, and I should like to hear whether he feels that that is insufficient to meet the objection that he has with regard to the wave length.

Mr. PITTMAN. Mr. President, the provision now found in the conference report is intended as a substitute for the language that was contained in the Senate joint resolution passed at the last session of Congress, and which appeared in the Senate bill. The difference, of course, is largely in the limitation. In the Senate joint resolution last year the applicants for licenses had to waive any claim of the right to use the ether as against the United States. In this bill they have to waive the right to use it as against the regulatory power of the United States. The distinction in my mind is this:

There is no doubt that the United States has a right to exert its regulatory power over radio transmission through the power to regulate interstate commerce, the same as any other form of commerce. There is no doubt, also, that that power of regulation can not be so used as to be confiscatory, or to deprive a person of the right to use the ether at all, if he has a right.

I may compare it with the railroads again. The railroad owns its property. The Interstate Commerce Commission may regulate that property to the extent that the regulations are reasonable, but it can not so regulate that property as to refuse to allow the railroads to run. It can not regulate that property to the extent of confiscating their rightful earnings; and we should draw the same distinction in this conference report. In other words, we do not object in this conference bill to the regulation of radio, but we do object to the stopping of radio.

It is perfectly evident that in the regulation of radio some of these concerns will have to be put out of business. There is only a limited number of these channels—about 89 effective channels. As has been said, they may be duplicated in different parts of the country to a certain extent, but they are exceedingly limited. Not all of the applicants can get permits. Some of the existing permittees may have to abandon their permits or have them taken away from them.

In other words, if there are 70 broadcasters radioing from New York State, as a matter of justice some of these broadcasting stations may have to be distributed through other zones and other States, and in order to do so a radio-broadcasting concern that is now broadcasting will have to be deprived of the right to broadcast further. Now, if a broadcasting concern can be stopped from broadcasting, it will not be done under the regulatory power of the Government under the interstate commerce clause of the Constitution, because under that power of the Constitution no rightful operation in interstate commerce can be stopped. If done, it must be by reason of sovereignty over the ether. That is why I desire a waiver of the licensee in favor of such sovereignty.

Mr. COUZENS. Mr. President—

Mr. FLETCHER. Mr. President, in other words, as I understand the Senator, he is opposed to the recognition of any vested right in the ether and in wave lengths.

Mr. PITTMAN. Exactly.

Mr. FLETCHER. And the Senator's contention is that the provision in the bill with regard to regulatory powers would not be inconsistent with the claim of a vested right. In other words, it is merely the power of regulation that is preserved, and there is no disallowance of any claim of vested right.

Mr. PITTMAN. Exactly; just exactly the same as is now in existence with regard to the railroads. There is nothing inconsistent between the ownership and operation of railroads by private corporations and the power of the Government to regulate them.

Mr. DILL. Mr. President, let me make this suggestion: The only right Congress has to legislate on radio at all is the right that it gets under the provision of the Constitution empowering it to regulate interstate commerce.

Mr. PITTMAN. Mr. President—

Mr. DILL. Just a moment. When we have asserted that right to regulatory power we have gone as far as the Constitution authorizes us to go, except as a war power or as a sovereign power, when we decide to exercise it as a sovereign government.

Mr. PITTMAN. Mr. President, the Senator's statement is true, but it concerns only one part of this case. There is no doubt that the only power that we have is a power of control under the interstate commerce clause if there is no waiver. If that is true, then we have not any power to stop an existing concern from operating, unless the control of the United States over the ether is admitted.

Mr. DILL. I disagree with the Senator.

Mr. PITTMAN. Under what power?

Mr. DILL. When we lay down a basic principle of regulating interstate commerce, we have a right to stop the stations that interfere with the application of that basic principle. As a matter of course, that will have to be decided in court; but this bill gives them authority to do it.

Mr. PITTMAN. The Senator could not stop one railroad from operating because it interfered with the business of another railroad.

Mr. DILL. Then the Senator's provision will not stop it.

Mr. PITTMAN. Ah! That all depends on whether it rests solely on the regulatory power or on some higher power. That is exactly it. We have no higher power with regard to railroads; but who is prepared to-day to say that we have no higher power with regard to the ether than we have with regard to private lands? What we ask is that that question be left in abeyance; and we say that if these people are coming here for the purpose of getting the Government of the United States to help regulate this matter, and they want it regulated so that they will not be interfered with, it will have to be on the basis, when we start, that they do not claim any vested right in the ether; that the Government of the United States not only has the right to regulate them, but has a right to stop them; and the Government has not any right to stop them if they have a vested right in the ether. I say that the proper thing for us to do, before we go jumping out into this vast field, is to announce, not that the Government owns the ether, but that no one else owns the ether.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. FLETCHER. One minute. Do I understand that the position of the Senator from Washington is that any individual or corporation can acquire a vested right in the ether?

Mr. DILL. I do not contend that for a moment.

Mr. FLETCHER. Then in that case, is the power of Congress limited entirely to regulating the use of the ether?

Mr. DILL. I think the power of Congress is limited to regulating the apparatus that sends out these radio signals, and that no man owning an apparatus can get any vested right in that apparatus when Congress issues licenses for limited periods of time, and provides in those licenses that no rights are extended beyond the period for which the license is granted.

Mr. FLETCHER. It seems to me, though, that it is important for us to let it be known that we do not recognize that any individual or corporation can acquire a vested right in any portion of the ether or any particular wave length.

Mr. DILL. I think we have done that.

Mr. SMITH. Mr. President, may I suggest that the comparison between the ether and the railroads breaks down when we consider that the ether as a medium of transmission is natural; it is a highway already here that needs no construction. The wave lengths, as they are discovered, are also natural.

It is not a matter an investment is made to produce. The highway is already constructed, it is common to all, and it is capable of being used by all. Hence it is clothed with a character that is peculiarly the property of all the people. No one has put a nickel in it, and no man can add to or subtract from it. It is here. It is the natural vehicle of certain electrical impulses. Therefore no one should or could claim, and we ought to make it clear that no one can claim a vested right either in the ether or in a wave length that uses this highway of transmission.

Mr. FLETCHER. It belongs to the public.

Mr. SMITH. It belongs to the public.

Mr. REED of Pennsylvania. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. PITTMAN. I yield.

Mr. REED of Pennsylvania. I want to ask a question either of the Senator from Nevada or of the Senator from Washington about this bill. Something which has just been discussed seems to me to suggest this.

In Pittsburgh we have had for six years a broadcasting station, operated by one of the newspapers there, the Pittsburgh Press. It uses a wave length of 461 meters. It has broadcast throughout that time the highest possible type of program. It gives service throughout the day and every evening news reports, market reports, music lessons, and what not, and, in addition to that, the very best class of musical offerings. It also relays the best of the programs put out in New York.

I am told by a correspondent in Youngstown, Ohio, that there are three stations, two in the West and one in the South, that have just recently adopted the same wave length, and my correspondent says:

I have listened time and again to all three of these stations. Their programs are terrible. The two Iowa stations spend most of the time trying to sell alfalfa seeds at cut rates, or "gyp" automobile tires and other accessories. Some of these talks last for fully one-half hour, and then are broken usually by a phonograph or other cheap musical number.

I appreciate the strength of the point the Senator makes against a monopoly in any particular wave length, but I want to ask whether or not there is in this bill as it stands some remedy for the state of affairs which I have described, and I wish the Senator would tell me just what that remedy is.

Mr. DILL. Mr. President, the Senator by his question has placed his finger on the very fact that I should like to impress on the Senate for a moment. The Senator calls attention to the wave length used by station WCAE of Pittsburgh, 461 meters, and states that three other stations use the same wave length. There are to-day a large number of wave lengths which are used by as many as from 12 to 15 stations. The result is that to the ordinary user of a radio set there is no service, because it is impossible to get any of those stations clearly, as each one jams the other off the air and makes a whistle or a squeal or a rattle in the set, so that it is impossible to hear anything, and unless legislation shall be enacted there will be no effective means of curing that situation, until stations finally quit because people no longer listen to them. That is why I am insisting that we have this legislation, or at least some legislation, at this session.

The Senator asks me how this bill would correct that situation. This bill would give the commission to be formed under it the power to say who should broadcast, what wave length should be used, what power should be used, where the station should be located, when it should broadcast, and every other power that would be necessary for the prevention of the very interference which is complained of in the letter of the Senator's correspondent.

The Secretary of Commerce to-day has no such power. There is no Government official who has such power, and it is in the hope that we may have established a governmental body that can regulate this situation by preventing the interference which the Senator mentions that I am insisting on legislation.

This bill would give complete power to the commission to say which station should broadcast on a given wave length and to prevent any other station interfering with that station broadcasting.

If I may say just a word further, I hope we can have a vote this morning on the motion of the Senator from Nevada and decide whether the bill is to go back to conference. I do not want to shut off discussion on the part of Senators, or questions that may be asked, but the defeat of this motion would leave the conference report still here to be discussed. But if it is the desire of the Senate that the bill should go back to conference, we want to send it back immediately, because we have very little time; and I want to say in all frankness to Senators that if we send this bill back to conference I do not believe it will be possible to get any legislation. But, of course, if the Senate desires that it must go back with this condition, I shall to the best of my ability try to get the House conferees, when they are appointed, to adopt the ideas of the Senate as expressed in the proposed instruction. What I am pleading for is action on the part of the Senate. I believe Senators understand what the Senator from Nevada wants. I do not want to cut anyone off, but I hope we may have a vote on this motion, so that if we are going back to conference we may go now, and not some days later, when we will have still less time left to get an agreement.

Mr. PITTMAN. Now, Mr. President, I want to say something to the Senator from Pennsylvania. The Senator from Washington has answered the Senator's question by stating that there is full power given in this bill for the regulation of the three conflicting stations mentioned in the Senator's letter. The commission may change the wave length of some of them. But it may be necessary entirely to cut out the Pittsburgh station, because, as the Senator knows, there is a limit to the bands, or channels. There are only 89 effective ones. It may be that the stations in Pittsburgh are too congested. It may be that New York can serve Pennsylvania without having any stations at Pittsburgh. This bill purports to give power to the commission to allow New York to serve Pennsylvania. New York may be given the power to serve Iowa, it may be given the power to serve all of these neighborhoods that are now conflicting, and thus end the conflict. What I am getting at is this: Does the Senator think that under the regulatory power of the Congress over interstate commerce they can absolutely stop business?

Mr. REED of Pennsylvania. Mr. President, it seems to me it is analogous to the regulation of traffic on the streets. If we do not allow one vehicle to pass a particular point, traffic will be blocked. Some one else's vehicle may be permitted to have the exclusive right to that space and mine may be denied

it. That does not detract from my view that traffic regulation is necessary.

We have to put the power of regulation somewhere, just as we put the power of regulation of traffic in a traffic policeman, or the streets will be useless to everybody; and so the air will be useless to everybody if it is not regulated.

The fact that the power may be abused does not seem to me to be a reason against granting power. We have to assume that vesting power in this commission we will find the power used temperately, judicially, and impartially, and if we find that the licensees do not so use it, we will have the remedy in our own hands and can abolish the commission afterwards. But we have to trust somebody, because if we do not trust somebody this whole great industry and this field of enjoyment for our people is going to be absolutely wrecked.

Mr. PITTMAN. I thoroughly agree with the Senator. I not only want the commission to be trusted, but I want them to have absolute power to put the Pittsburgh broadcasting station, or any other station, out of business forever.

Mr. REED of Pennsylvania. That is all right.

Mr. PITTMAN. What I fear is this, that it is going to be the subject of litigation, because information has come to me that it will be contended if a broadcasting concern has been broadcasting over a certain wave length without interruption, we can not destroy it absolutely, on the theory, I suppose, that the regulatory power of the Government does not go that far, that the power of reasonable regulation does not imply the power to destroy.

Mr. President, I want the power of this commission to be absolute, and I want to be assured that it is to be absolute. I want anyone asking for a license to admit that it is absolute by simply waiving any claim whatever to any vested right in the ether by virtue of a license or by virtue of use without a license, and I do not believe that the Government can carry out its plan and its program unless it is assured of the control of the ether beyond the control it gets through the Constitution to regulate transportation.

I am not arguing that this bill may be destroyed, I say to the Senator from Pennsylvania. I do not like many provisions of the bill. I think it is a poor bill. It is a hodgepodge. The Senate bill, which was largely drawn by the Senator from Washington, is a fine bill. This thing has been jammed together in order to get somewhere. All I ask is this, that instead of making permanent legislation out of this, instead of saying to all of the radio fans of the country, "This is the final word," let us say that we will take all of the next session of Congress to prepare a bill, with the experience we will have had in the operation of this proposed law during the next year.

Mr. REED of Pennsylvania. Mr. President, we can do that anyway. As for any apprehension that the prior use of a wave length gives a vested right, it seems to me that as a matter of law it is very clear that it does not do so, any more than I would acquire a vested right in a street from having tramped the same street every day for 10 years.

Mr. PITTMAN. I agree with the Senator. Then why should any broadcasting concern object to signing a waiver?

Mr. REED of Pennsylvania. If there were provision for a waiver in this bill—I understand there is not—

Mr. DILL. Yes; there is.

Mr. REED of Pennsylvania. There is such a provision?

Mr. DILL. Yes; there is such provision.

Mr. PITTMAN. As against the regulatory power, but not as against a vested right.

Mr. REED of Pennsylvania. I do not believe there can be a vested right in a subject of this sort.

Mr. DILL. I do not believe so, either.

Mr. REED of Pennsylvania. Any more than I could have a vested right to travel New Jersey Avenue because I have been doing it every day for years.

Mr. BORAH. Mr. President—

Mr. REED of Pennsylvania. Just a moment. As for the suggestion that this commission, when organized, may put the Pittsburgh station out of business, I say that is no argument against the bill at all, because if we are going to regulate traffic, my share of the traffic has to be regulated just as sternly as anybody's else.

Mr. BORAH. Mr. President, I was going to say to the Senator from Pennsylvania that it is probable that his contention with reference to the acquiring of a vested right is correct, but as I view this subject matter about which we are trying to legislate, no one knows or can know what place it is going to occupy, either in our laws, our judicial decisions, our economic affairs, or our pleasures. It is a subject which the courts will have to pass upon. It is a subject upon which the future has to set its stamp, as to whether it means this or whether it means that. It is wholly a new problem.



I can not understand why the Congress should take any chance whatever of permitting vested rights to be acquired, however much we may believe now that that can not occur. Why should we take any chance of permitting it to happen? I know that the Senator from Washington and those who have been identified with this legislation have done a vast amount of sincere and good work in this matter, and, so far as I am concerned, I have only words of commendation for the work they have done. I know what they have had to contend with. I introduced a bill of my own at one time, and I know the vast amount of work which is implied even in the framing of a bill. But it does not seem to me to be in any sense a disparagement of the work they have done that the Congress should give an expression to the effect that we should at least attempt to get the conferees to write in this positive declaration.

It is worth while to make the effort. The subject is of such vast moment, and so thoroughly unknown and undefined, that we should not take any chances in the matter.

I know that there are those who think they can acquire vested rights. I know that they are very anxious about the proposition. They may be right. With as profound respect as we have for the Supreme Court, no man knows, in advance what that tribunal may determine.

Mr. REED of Pennsylvania. If they have acquired a vested right, our power to remove it and strike it down will be as great next year, or after a decision to that effect, as it is now. I do not know of any reason why the Congress can not take away that vested right now or at any other time, but the claim seems to me to be so preposterous that I do not think we ought to delay the legislation in order to destroy the possibility of which the Senator speaks.

Mr. BORAH. We might delay the legislation 24 hours, we might delay it two or three days, and we might delay it a week. We have three weeks yet before the end of the session. We will undoubtedly pass some legislation on the matter before we adjourn, and I have no desire to prevent some proper legislation being enacted; but when the Senator says that it is preposterous, he expresses his view about the matter which is in conflict with the views of those who have given a vast amount of study to the subject.

Mr. REED of Pennsylvania. I express the Senator's view, do I not, that it is preposterous?

Mr. BORAH. No; I would not say that it is preposterous; but I do not think it is well founded. I do not think, however, that it is a nondebatable subject. The thought that strikes me is that if it should turn out to be a matter about which they could secure such rights, it would be of stupendous importance, and I think we should take steps to prevent it being done.

Mr. REED of Pennsylvania. They can not claim vested rights under the terms of the bill.

Mr. BORAH. I do not quite agree with the Senator.

Mr. FLETCHER. Is it not a fact that there are some people now asserting claims to some vested rights?

Mr. BORAH. Undoubtedly.

Mr. FLETCHER. We want to make it clear that we do not recognize those claims.

Mr. DILL. I have been unable to learn of anyone claiming a vested right. There is a lot of loose talk about it, but I do not know of a single radio broadcaster to-day who claims a vested right.

Mr. FLETCHER. I am glad to know that.

Mr. DILL. At any rate, he has not a vested right, and the courts will so decide.

Mr. FLETCHER. I want to ask the Senator a question and then I am through. The question in my mind is about the power of the commission to adopt rules and regulations which would control the use of the air in connection with our Army and Navy. Section 6 of the bill provides that the President may, by proclamation, relieve the Army and Navy of the regulations of the commission.

Mr. DILL. The Senator is mistaken. The President has the power under the preceding section to take any wave length for the Army and Navy. The section to which the Senator refers authorizes the President to take over any or all stations in case of war, but in time of peace the President has the power to select any wave length for the Army and Navy.

Mr. FLETCHER. That matter, then, is in the control of the Government?

Mr. DILL. It is in the control of the President.

Mr. FLETCHER. And not under the control of the commission?

Mr. DILL. That is correct.

Mr. ROBINSON of Arkansas. Mr. President, with respect to the subject of vested rights, I do not think anyone having a

license can successfully maintain in the courts such a claim of right. There are a number of persons or associations now operating radio stations who feel that by virtue of their licenses they are entitled to some sort of priority, and unquestionably that condition will exist or arise in a number of communities.

Mr. DILL. But the bill does not even recognize that condition.

Mr. ROBINSON of Arkansas. The bill does not even recognize priority. I myself have felt that there is a substantial foundation for a claim of priority in many cases and that it is neither necessary nor desirable to preclude a claim for priority, particularly as the bill does not recognize it.

With respect to the suggestion of the Senator from Washington that the motion of the Senator from Nevada should now be promptly disposed of, I am in hearty concurrence. If the bill is to go back to conference with the instruction or implied instruction which the motion of the Senator from Nevada carries, it should be sent back as soon possible in order that the conferees may have an opportunity to enter into an agreement which will result in legislation, whether temporary or permanent. I feel that it would be somewhat calamitous for this session of the Congress to end without any legislation on the subject whatever. I know there are a number of Senators and some Representatives who have a different opinion on the subject, but it does seem to me that, after studying the question for approximately four years, we ought to be able at least to write temporary legislation so as to relieve this new and very important industry from the embarrassment, confusion, and complications which now surround it by reason of the failure of Congress heretofore to legislate respecting the subject. It must be admitted that there is a lack of accurate information concerning radio, and therefore it is difficult to legislate intelligently with a view to making our status permanent. I would be satisfied if the motion of the Senator from Nevada prevailed. That would insure a review, in the light of experience, on the questions which have been raised here.

Mr. FESS. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. FESS. The motion is to recommit to the conferees. The House has acted upon the report. What would be the legislative status if we adopted the motion of the Senator from Nevada?

Mr. ROBINSON of Arkansas. It would be necessary for the body at the other end of the Capitol to create a new conference committee, and unless it did that there would be no legislation.

Mr. DILL. I want to say to the Senator that if the report has to go back to conference, I very much prefer that the amendment which was later made by the Senator from Nevada should be adopted, namely, that the present temporary legislation should continue in effect until the end of the next session of Congress. But I want again to state that, in my judgment, if the report goes back to conference there will be no legislation. I may say that I fought the House conferees—

Mr. PITTMAN. If that is the proposition, there will be no legislation.

Mr. DILL. Do not misunderstand me. I will do everything I can, but I do not believe the House will yield, and I think I ought to say that to the Senate before the vote is taken. I will do everything I can, because I fought as hard as anybody could for the very thing the Senator from Nevada wants.

Mr. PITTMAN. Mr. President, will the Senator from Arkansas yield to me for a brief statement?

Mr. ROBINSON of Arkansas. I yield.

Mr. PITTMAN. I have been trying to argue this matter from a logical and fair standpoint. I think ever since I have been here I have heard that the House will not do this and that the House will not do that, and the House has not done anything we want. I am not willing that the Senate should take a vote on the proposition at this time if it is going to be under a threat to defeat it. If the motion is going to be defeated under a threat, I will debate the matter further after the motion is defeated. I want the Senate to decide this matter not under any threat, not under a fear of what the House may do or may not do. I want the Senate to consider that the House will be reasonable, and I think they will be reasonable. If we allow this matter to run for 18 months, and that is about the length of time it would run, they will have ample opportunity to do business and agree with us on a bill. If, on the other hand, the attitude of the House is that they are going to have their bill and nothing but their bill, I would just as soon let them rest on that basis.

Mr. DILL. Mr. President, I did not mean to make a threat. It is not only the 18-month provision that I am worried about

in a conference with the House members. It is on the demand for the particular form of waiver, for I held up the conferees myself for weeks on that very thing. I think, not in the form of a threat but as a matter of information, that I ought to say that I believe that. I do not know of anything I would rather see happen about the legislation than to see that provision go in, because I fought for it harder than I did for anything else. I did not make that statement as a threat, but I did make it as a matter of information.

Let me say further that it is the privilege of Senators to defeat the conference report, but their responsibility is to the people of the country and to the industry of the country, for the millions of sets of the common citizens of the country are rapidly becoming worthless. For my part I am not going to take the responsibility of keeping the people any longer without legislation.

Mr. FESS. Mr. President, will the Senator from Arkansas yield?

Mr. ROBINSON of Arkansas. I yield to the Senator from Ohio.

Mr. FESS. I want to ask the Senator from Washington what position we put him in if we adopt the motion to recommit?

Mr. DILL. It would put me in the position of going back and fighting for what I fought for before and failed to get.

Mr. FESS. I am a little in doubt about that. There is no conference committee now on the part of the House.

Mr. DILL. Of course, the House would have to be asked to appoint new conferees to meet us.

Mr. FESS. Is it the judgment of the Senator that the House would do that?

Mr. DILL. I do not know whether they would or not. It is my judgment that we can not get the particular form of waiver desired, but I would do the best I could to get it.

Mr. FESS. Of course, the Senator knows that the motion is subject to a point of order, but we have not made the point of order.

Mr. DILL. I think we should let the motion be voted on, and I would like to have a vote before 2 o'clock, because at that time the farm relief bill in charge of the Senator from Oregon [Mr. McNARY] comes up, and if this matter is going back to conference, it ought to go back to-day and not be postponed any longer.

Mr. ROBINSON of Arkansas. Mr. President, I think it is true that the motion of the Senator from Nevada should be promptly disposed of, for the reasons stated by the Senator from Washington, and also for the reasons I stated a moment ago.

In every measure in which sharp issue arises between the two Houses we have differences which, of course, can only be adjusted through conference. It is not fair, it is not good form, for either body to take the position that it will not yield touching measures at issue in conference, for such an attitude logically means the failure of legislation. The object of a conference committee is to reconcile the differences between the two Houses. It would be astonishing—amazing—if either House should assume the attitude that it will not further consider the questions involved in this bill or that it will not consent to any arrangement which constitutes in a measure experimental legislation, as is contemplated by the motion of the Senator from Nevada.

I would like to see the legislation worked out thoroughly and intelligently, because it relates to a subject of which little is known, and one which is of constantly growing importance. It has been manifest during the course of the debate that there is marked dissatisfaction with the conference report in the Senate expressed by many Senators. I have not felt that it is subject to all of the objections which have been urged against it, and I have felt that little weight should be given to some of the objections.

In my judgment, the fundamental issue is whether this great industry shall be controlled by the head of a department or by an independent commission. Back of many of the problems that have been discussed here lies that proposition. This bill, if the motion of the Senator from Nevada shall be agreed to, will enable the Congress to experiment; and if there shall be found necessity for a modification of the legislation it will appear sufficiently early in the first session of the Seventieth Congress to enable the Congress to make the necessary revision. If the measure shall work satisfactorily and promises to prove effective for the future, all that will be required will be its reenactment.

I am heartily in sympathy with the suggestion of the Senator from Washington [Mr. DILL] for an early vote; and in this connection it seems not improper to say that the Senator from Washington has devoted a large part of his time to the study

of the problems underlying this legislation. He has expressed very emphatic views concerning what should be included in the legislation, and he comes before us now with a measure admittedly a compromise—one which is not acceptable to him in all its features. He is certainly entitled to have an expression of the Senate on this subject long enough in advance of the adjournment of the session to afford him an opportunity to bring back another proposal if this one is to be sent back to conference. I believe the time has now arrived when a vote should be taken on this motion, and, unless some other Senator wishes to claim the floor, I will ask for a vote.

Mr. HEFLIN. Mr. President, I shall not occupy the floor for more than five minutes. I agree with the Senator from Nevada [Mr. PITTMAN] and the Senator from Arkansas [Mr. ROBINSON] that the motion of the Senator from Nevada should prevail; that this measure ought to go back to conference. As I said on yesterday, and I am going to repeat now, I can not see why any Member of the House should want to strike out of this very important legislation this language:

That the Federal Government intends forever to preserve and maintain the channels of radio transmission as perpetual mediums under the control and for the people of the United States; that such channels are not to be subject to acquisition by any individual, firm, or corporation, and only the use, but not the ownership, thereof may be allowed for limited periods under licenses in that behalf granted by Federal authority.

That language was in the bill when it passed the Senate. That language is so clear, so strong, so vital, so fundamental that I can not understand why a Member of the American Congress in either branch should desire to have it stricken out. I want this measure to go back to conference and I want to see that provision put back in the bill, as well as some other provisions which have been discussed by the Senator from Nevada.

Under the bill as now framed I fear that those who control the radio industry would have the power to require the people throughout the United States to buy new apparatus, new equipment, and put them to a great deal of unnecessary expense in order to conform to this new legislation. That ought not to be the case. Hundreds and thousands of them have already bought the necessary equipment. I desire the measure passed in such shape that the people may continue to listen, to gather the news, and to hear what is going on with the instruments which they already have. I am hoping that the Senate will send the measure back to conference. No harm can be done by letting the other House know that we are not satisfied with the measure in its present form. If that shall not be done, the Senate will be criticized, and Members of the House will be criticized in the future for failing to put the provision which I have read back in the bill.

Let us not forget the rights and interests of the people who use the radio. I want the radio companies treated fairly, but I am not willing for them to manage and manipulate the radio business of the United States to the hurt and injury of those who use the radio.

Mr. DILL. Mr. President, I think I had better call for a quorum in order that we may have a vote on the pending question. If there is no objection to that being done, I make the point of no quorum.

The PRESIDING OFFICER (Mr. Goff in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lenroot	Robinson, Ark.
Bayard	Frazier	McKellar	Robinson, Ind.
Bleas	George	McLean	Sackett
Borah	Gerry	McMaster	Schall
Bratton	Gillett	McNary	Sheppard
Broussard	Glass	Mayfield	Shipstead
Bruce	Goff	Means	Shortridge
Cameron	Gooding	Metcalf	Smith
Capper	Gould	Moses	Smoot
Caraway	Hale	Neely	Steck
Copeland	Harrell	Norbeck	Stephens
Couzens	Harris	Norris	Stewart
Curtis	Hawes	Nye	Trammell
Dale	Hefflin	Oddie	Tyson
Deneen	Howell	Overman	Wadsworth
Dill	Johnson	Pepper	Walsh, Mass.
Edwards	Jones, Wash.	Phelps	Walsh, Mont.
Ernst	Kendrick	Pine	Warren
Ferris	Keyes	Pittman	Watson
Fess	King	Reed, Pa.	Wheeler

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. HOWELL. Mr. President, I propose to speak but a few moments upon the motion of the Senator from Nevada, and then will yield in order that a vote may be taken.

I call attention to the fact that the conference report is subject to a point of order, on the ground that certain language



contained in the House bill, to wit, "*with due consideration of the right of each State to have allocated to it, or to some person, firm, company, or corporation within it, the use of a wave length for at least one broadcasting station located or to be located in such State, whenever application may be made therefor*," which was identical with the language contained in the Senate amendment has been excluded by the conference committee, contrary to the Senate rules.

Mr. President, during the first session of the Sixty-eighth Congress a bill on the subject of radio was introduced by me and passed by the Senate. It is a very short measure; I will read a portion thereof:

*Be it enacted, etc., That the ether and the use thereof for the transmission of signals, words, energy, and other purposes, within the territorial jurisdiction of the United States is hereby reaffirmed to be the inalienable possession of the people of the United States and their Government, but privileges to enjoy such use may be granted as provided by law for terms of not to exceed two years.*

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HOWELL. I do.

Mr. BRUCE. I should like to ask the Senator from Nebraska where he finds the law to justify the idea of that bill, that the Government has any property in the ether.

Mr. HOWELL. Mr. President, this was declaratory, and in my experience certain declarations of this character have been recognized ultimately by the courts; therefore, I have believed that there should be some declaration made by Congress respecting this matter.

Mr. BRUCE. The Senator, I am sure, would not think that the Government could make a fine building on Lafayette Square its property by promulgating a declaration of that kind.

Mr. HOWELL. I called attention the other day to the fact that whereas the law of riparian rights was recognized in the United States and in my State prior to 1895, through a declaration of a similar character in connection with water, the courts finally abrogated riparian rights and accepted the view that the waters in the streams were owned by at least certain States and were subject to appropriation. But, Mr. President, as I wish to give the Senator from Washington [Mr. DILL] the opportunity of having a vote upon the pending motion, I must refuse to yield any further at present. I regret that such is the case, because I do not know of any better way of bringing to the attention of the Members of the Senate the facts in this case than by question and answer.

Mr. President, the bill went on to provide as follows:

All such licenses heretofore granted by authority of Congress shall terminate within two years (if not sooner under the terms thereof) from the date of the approval hereof, and no such license shall be renewed, or any additional license granted, except upon the filing with the Secretary of Commerce of an application by such licensee or applicant, executed under oath, setting forth, in the form prescribed by the Secretary of Commerce, that the claims of such licensee or applicant to the use of the ether are in consonance with and limited to the recitations and provisions of this act.

Mr. President, I introduced this bill because I had become convinced that radio interests were prepared to claim vested rights to the use of the ether, although they were declaring, through their spokesmen, that there was no such intention and no such possibility. However, I believed that there were such intentions in the backs of their heads and it seemed to me that, in the present state of the art, it would be a calamity to have the right to the use of the ether owned by others than the Government of the United States. I, therefore, provided for bringing any such claims immediately to the surface and litigating them now, not 25 years hence, so that Congress might, at an early date, take action to meet the situation should the courts support the vested-rights theory.

This bill went to the House of Representatives, and all after the enacting clause was stricken out. That was in 1924. However, when the Senate took up the House bill, enacted at the last session of this Congress, it inserted the same words contained in my 1924 bill, as follows:

And no license shall be granted until the applicant either for a license or for a renewal of a license has signed under oath a waiver of any claim of right to any wave length or to the use of the ether because of any previous use of the same, whether by license or otherwise.

This bill went to conference; and, as the conferees were unable to agree, there was passed by both House and Senate, as a sort of stop-gap, a joint resolution which became a law last December, this joint resolution containing almost identical language, to wit:

And no renewal of the license for an existing station of any other class than a broadcasting station, shall be granted for longer periods than two years; and that no original radio license or the renewal of an existing license shall be granted after the date of the passage of this resolution unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

Mr. President, after the passage of this joint resolution and its approval by the President, that is, during the present session, the conferees reported the radio bill, but in doing so they emasculated this provision. They substituted language that made the bill read as follows. I am now reading from the conference report:

No station license shall be granted by the commission or the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States.

The two other provisions of this character which I have previously read provided that all applicants should waive any claim to the use of the ether or to any particular wave length; but this amendment provides that they shall waive any claim against the regulatory power of the United States—a very different matter—and we are assured by the Senator from Washington [Mr. DILL], a member of that conference committee, that if the Senate insists upon the language contained in the joint resolution signed by the President last December, then and in such case he is satisfied the House conferees will refuse to allow this bill to become a law. Is this not suggestive? It is the identical position the great radio interests would take.

Mr. President, there are two theories respecting the ether. One is that if anyone has used the ether for a period of time he has a vested right to continue that use, subject to regulation by the United States Government. The other theory is that anyone using the ether is merely a tenant at will, and at any time the United States Government can order him to desist, and he has no legal right to continue. It is this second theory that we are endeavoring to make a part of the law of the land. That it should be so is of tremendous importance; and such is the purpose of the motion made by the Senator from Nevada. It is to send this report back to the House and ask that new conferees be appointed and the report be changed as specified in his motion. If adopted it may preserve for all the people—not a few—a great natural resource—the ether.

Mr. WATSON. Mr. President, I thank the Senator from Nebraska for giving us an opportunity to have a vote. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada [Mr. PITTMAN]. On that motion the yeas and nays have been demanded and ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Connecticut [Mr. BINGHAM], and vote "nay."

Mr. HARRELD (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Arizona [Mr. CAMERON], and vote "nay."

Mr. NYE (when his name was called). Upon this subject I have a pair with the senior Senator from New Mexico [Mr. JONES]. I understand that if he were present he would vote "nay." If at liberty to vote, I would vote "yea."

Mr. WATSON (when his name was called). I have a pair with the senior Senator from Virginia [Mr. SWANSON], but on this question I am at liberty to vote, and I vote "nay."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the junior Senator from Delaware [Mr. DU PONT], which I transfer to the senior Senator from Missouri [Mr. REED], and vote "yea."

Mr. McKELLAR (after having voted in the affirmative on a transfer of his pair to Mr. COPELAND). I have a general pair with the senior Senator from Ohio [Mr. WILLIS], who is absent. Not being able to obtain a transfer, I withdraw my vote.

Mr. JONES of Washington. I desire to announce that the senior Senator from New Jersey [Mr. EDGE] has a general pair with the senior Senator from Mississippi [Mr. HARRISON].

I also desire to announce that the junior Senator from Connecticut [Mr. BINGHAM] is necessarily absent on account of illness.

The result was announced—yeas 29, nays 48, as follows:

YEAS—29			
Blease	George	Neely	Stephens
Borah	Gerry	Norris	Trammell
Broussard	Glass	Overman	Tyson
Caraway	Harris	Pittman	Walsh, Mass.
Copeland	Heflin	Robinson, Ark.	Wheeler
Edwards	Howell	Sheppard	
Fletcher	King	Shipstead	
Frazier	Mayfield	Smith	
NAYS—48			
Ashurst	Fess	Lenroot	Robinson, Ind.
Bayard	Gillett	McLean	Sackett
Bratton	Goff	McMaster	Schall
Bruce	Gooding	McNary	Shortridge
Capper	Gould	Means	Smoot
Couzens	Hale	Metcalf	Stanfield
Curtis	Harrell	Moses	Steck
Dale	Hawes	Norbeck	Stewart
Deneen	Johnson	Oddie	Wadsworth
Dill	Jones, Wash.	Pepper	Walsh, Mont.
Ernst	Kendrick	Phipps	Warren
Ferris	Keyes	Reed, Pa.	Watson
NOT VOTING—18			
Bingham	Harrison	Pine	Underwood
Cameron	Jones, N. Mex.	Ransdell	Weller
du Pont	La Follette	Reed, Mo.	Willis
Edge	McKellar	Simmons	
Greene	Nye	Swanson	

So Mr. PITTMAN's motion was rejected.

Mr. PITTMAN. Mr. President, I offer another motion which I send to the desk.

The VICE PRESIDENT. The clerk will read the motion. The Chief Clerk read as follows:

I move that the Senate disagree to the conference report and to the amendments on the part of the House, that a further conference be asked, and that the managers on the part of the Senate be instructed to insist that there be inserted in the bill that the life of the act shall expire and terminate on the last day of the first session of the Seventieth Congress, and that no licenses shall be executed or granted under the act for a longer period or term than the said expiration of the act on the last day of the first session of the Seventieth Congress.

Mr. PITTMAN. Mr. President, I have eliminated the provision which was in the former motion with regard to a waiver, as it appears that a majority of this body does not desire to have a waiver as against the United States. All that is left of the motion now is that the act shall last only until the last day of the first session of the Seventieth Congress. I ask for a vote on the motion.

Mr. WALSH of Montana. Mr. President, lest some misunderstanding might arise from the statement of the Senator from Nevada, I desire to say that I voted against the motion just rejected because, in my judgment, the provision for a waiver in the bill is all that is necessary.

Mr. DILL. Mr. President, may we not have a roll call on this motion also?

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada [Mr. PITTMAN], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and transfer as before, I vote "yea."

Mr. NYE (when his name was called). On this subject I am paired with the senior Senator from New Mexico [Mr. JONES]. Were he present, he would vote "nay." Were I at liberty to vote, I would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. SWANSON]. I am informed that I am permitted to vote on this question, and I vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The senior Senator from Massachusetts [Mr. GILLET] with the senior Senator from Alabama [Mr. UNDERWOOD]; and

The senior Senator from New Jersey [Mr. EDGE] with the senior Senator from Mississippi [Mr. HARRISON].

I also desire to announce that the junior Senator from Connecticut [Mr. BINGHAM] is absent on account of illness.

Mr. McKELLAR. I have a general pair with the senior Senator from Ohio [Mr. WILLIS], which I transfer to the senior Senator from Louisiana [Mr. RANSDELL], and vote "yea."

The result was announced—yeas 32, nays 43, as follows:

YEAS—32			
Blease	Edwards	Glass	King
Borah	Fletcher	Harris	McKellar
Broussard	Frazier	Hawes	Mayfield
Caraway	George	Heflin	Neely
Copeland	Gerry	Howell	Norris

NAYS—43			
Overman	Sheppard	Stephens	Walsh, Mass.
Pittman	Shipstead	Trammell	Walsh, Mont.
Robinson, Ark.	Smith	Tyson	Wheeler
Ashurst	Ferris	McLean	Robinson, Ind.
Bayard	Fess	McMaster	Sackett
Bratton	Goff	McNary	Schall
Bruce	Gooding	Means	Shortridge
Capper	Gould	Metcalf	Smoot
Couzens	Hale	Norbeck	Stanfield
Curtis	Johnson	Oddie	Steck
Dale	Jones, Wash.	Pepper	Stewart
Deneen	Kendrick	Phipps	Wadsworth
Dill	Keyes	Pine	Warren
Ernst	Lenroot	Reed, Pa.	Watson
NOT VOTING—20			
Bingham	Greene	Moses	Stanfield
Cameron	Harrell	Nye	Swanson
du Pont	Harrison	Ransdell	Underwood
Edge	Jones, N. Mex.	Reed, Mo.	Weller
Gillett	La Follette	Simmons	Willis

So Mr. PITTMAN's motion was rejected.

Mr. DILL. Mr. President, the question is on the adoption of the conference report. If possible, I should like to have that voted on, so that we may dispose of the matter now.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. COPELAND and Mr. HOWELL addressed the Chair.

SEVERAL SENATORS. Vote! Vote!

Mr. KING. Mr. President, the Senators addressing the Chair have been expecting to speak on the bill. The Senator from New York addressed the Chair, as did the Senator from Nebraska.

The VICE PRESIDENT. The Senator from New York [Mr. COPELAND] is recognized.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. It is now 5 minutes after 2, and as I recall the obligation made on Saturday we were to revert to the farm-relief measure at 2 o'clock to-day.

Mr. DILL. I think that was the agreement. I appreciate the Senator's courtesy in permitting us to proceed as far as we have gone. I thought we could get a vote, but since we can not I think the agreement should be adhered to.

Mr. McNARY. I am willing to yield if we can immediately have a vote.

Mr. DILL. Will the Senator permit me to submit a unanimous-consent request as to the time to take a vote?

Mr. McNARY. I yield for that purpose.

Mr. HOWELL. Mr. President, it was my understanding when I agreed to the taking of a vote here a short time ago that there would be no final vote upon the matter to-day.

Mr. DILL. I understand that. The Senator from New York was on his feet addressing the Chair, and I know that no vote can be taken to-day. I said that if there was no desire on the part of anyone to address the Senate we might take a vote. I was wondering if we might agree upon a unanimous-consent request to vote to-morrow at 2 o'clock.

Mr. HOWELL. I object.

Mr. McNARY. In view of the objection I ask that the unfinished business be laid before the Senate and proceeded with.

#### FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4808) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus agricultural commodities.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. The Senator from Kansas is recognized.

Mr. COPELAND. Mr. President, have I lost the floor?

Mr. McNARY. Mr. President, I think really I had the floor, if there is going to be any dispute about the matter.

The VICE PRESIDENT. The Chair had recognized the Senator from New York, and he lost the floor when the business before the Senate was changed.

Mr. COPELAND. Mr. President, in order that there may be no lack of harmony in the Chamber, and in order that we may proceed to the consideration of the important bill sponsored by the Senator from Oregon [Mr. McNARY], I shall not speak now, but I do want to say something about the radio bill before we take final action. I was called from the floor of the Senate on Saturday by the illness of one of our colleagues and lost my opportunity to speak then. I think we may well spend a little time in considering this important radio legislation. As for myself I am not satisfied with the matter as it is pending. I probably shall be unable to assist anybody else, but, at least, I want the satisfaction of having expressed at some time my views regarding the bill.

Mr. CURTIS obtained the floor.



Mr. McMASTER. Mr. President, will the Senator yield to me for a moment?

Mr. CURTIS. I yield to the Senator from South Dakota.

Mr. McMASTER. I have here a copy of a concurrent resolution adopted by the Legislature of South Dakota in regard to farm relief. With the consent of the Senator from Kansas I ask that it may be read at the desk.

The VICE PRESIDENT. Without objection the clerk will read as requested.

The Chief Clerk read as follows:

Senate Concurrent Resolution 9, introduced by committee on agriculture, relating to the agricultural depression and its solution

Whereas our major political parties appealing for support in past campaigns promised legislation to restore agriculture to the level of other industries, which promises have not been fulfilled; and

Whereas the continued unequal purchasing power of farm products makes impossible the return of agricultural prosperity: Now therefore be it

*Resolved by the senate (the house of representatives concurring), That we petition and insist that the Congress enact at an early date legislation to place agriculture upon an equal footing with other industries by establishing a Federal farm board with authority to direct the handling of surplus agricultural commodities, as embodied in the McNary-Haugen bill; be it further*

*Resolved, That a copy of this resolution be forthwith transmitted by the secretary of the senate to the President of the United States and to the Senators and Representatives in Congress from the State of South Dakota.*

H. E. COVEY,  
*President of the Senate.*  
W. J. MATSON,  
*Secretary of the Senate.*  
R. F. WILLIAMSON,  
*Speaker of the House.*  
WRIGHT TARBEEL,  
*Chief Clerk of the House.*

The VICE PRESIDENT. The concurrent resolution of the Legislature of South Dakota will lie on the table.

Mr. CURTIS. Mr. President, I desire to offer a substitute for the pending unfinished business, by which I propose to strike out all after the enacting clause and insert new matter. I ask that the substitute may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered. The proposed substitute follows:

Amendment in the nature of a substitute intended to be proposed by Mr. CURTIS to the bill (S. 4808) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Strike out all after the enacting clause and insert the following:

#### DECLARATION OF POLICY

It is hereby declared to be the policy of Congress to promote the orderly marketing of agricultural commodities in interstate and foreign commerce; to enable producers of such commodities to stabilize their markets against undue and excessive fluctuations, to preserve advantageous domestic markets for such commodities, to minimize speculation and waste in marketing such commodities, and to encourage the organization of producers of such commodities into cooperative marketing associations.

#### FEDERAL FARM BOARD

SEC. 2. A Federal Farm Board is hereby created in the Department of Agriculture which shall consist of the Secretary of Agriculture, who shall be chairman ex officio, and 12 members, one from each of the 12 Federal land-bank districts, appointed by the President of the United States, by and with the advice and consent of the Senate. Not more than six of the specially appointed members shall be members of the same political party.

#### QUALIFICATIONS AND TERMS OF BOARD MEMBERS

SEC. 3. (a) The terms of office of the appointed members of the board first taking office after the approval of this act shall expire, as designated by the President at the time of nomination, four at the end of the second year, four at the end of the fourth year, and four at the end of the sixth year, after the date of the approval of this act. A successor to an appointed member of the board shall be appointed in the same manner as the original appointed members, and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(b) Any person appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Any member of the board in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

(d) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the members in office shall constitute a quorum for the transaction of the business of the board.

(e) Each of the appointed members of the board shall be a citizen of the United States, who shall have had experience in agriculture or the cooperative marketing of agricultural products, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board, and shall receive a salary of \$10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the principal office of the board on business required by this act, or, if assigned to any other office established by the board, then while away from such office on business required by this act.

#### GENERAL POWERS

##### SEC. 4. The board—

(a) Shall annually designate an appointed member to act as vice chairman of the board.

(b) Shall maintain its principal office in the District of Columbia, and such other offices in the United States as it deems necessary.

(c) Shall have an official seal which shall be judicially noticed.

(d) Shall make an annual report to Congress.

(e) May make such regulations as are necessary to execute the functions vested in it by this act.

(f) May (1) appoint and fix the salaries of a secretary and such experts and, in accordance with the classification act of 1923 and subject to the provisions of the civil service laws, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the board.

#### SPECIAL POWERS AND DUTIES

SEC. 5. (a) The board shall meet at the call of the chairman or of a majority of its members.

(b) The board shall keep advised, from any available sources, of crop prices, prospects, supply and demand, at home and abroad, with especial attention to the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products.

(c) The board shall advise cooperative associations, farm organizations, and producers in the adjustment of production and distribution, in order that they may secure the maximum benefits under this act.

(d) The board may publish, from time to time, such information as may be useful to farmers generally, in planning their future plantings, in order that burdensome crop surpluses may be avoided or minimized.

#### COMMODITY ADVISORY COUNCILS

SEC. 6. (a) The board is hereby authorized and directed to create for each agricultural commodity which in its judgment may at any time require the application of this act an advisory council of seven members fairly representative of the producers of such commodity. Members of each commodity advisory council shall be selected annually by the board from men actually engaged in cooperative marketing associations and farm organizations determined by the board to be representative of the producers of such commodity. Members of each commodity advisory council shall serve without salary, but may be paid by the board a per diem compensation not exceeding \$20 for attending meetings of the council and for time devoted to other business of the council and authorized by the board. Each council member shall be paid by the board his necessary traveling expenses to and from meetings of the council and his expenses incurred for subsistence, or per diem allowance in lieu thereof, within the limitations prescribed by law, while engaged upon the business of the council. Each commodity advisory council shall be designated by the name of the commodity it represents, as, for example, "The cotton advisory council."

(b) Each commodity advisory council shall meet as soon as practicable after its selection at a time and place designated by the board and select a chairman. The board may designate a secretary of the council.

(c) Each commodity advisory council shall meet thereafter at least twice in each year at a time and place designated by the board.

(d) Each commodity advisory council shall have power, by itself or through its officers, (1) to confer directly with the board, or to make oral or written representations concerning matters within the jurisdiction of the board, (2) to call for information from the board and to make representations to the board in respect of the commodity represented by the council on all matters pertaining to the interests of the producers of the commodity, and (3) to cooperate with the board in advising producers and cooperative associations and farm organizations in the adjustment of production in order to secure the maximum benefits under this act.

SEC. 7. Immediately upon its organization the board, upon the request of any cooperative marketing association, or upon its own motion, may investigate the conditions surrounding the marketing of any agricultural commodity produced in the United States and determine:

1. Does a surplus of any such commodity exist or threaten to exist;  
 2. Does the existence of threat of such surplus depress or threaten to depress the price of such commodity below the cost of production with a reasonable profit to the average producers thereof;

3. Are the conditions of durability, preparation, processing, preserving, and marketing of such commodity—or the products therefrom—adaptable to the storage or future disposal of such commodity;

4. Are the producers of any such commodity sufficiently organized cooperatively to be fairly representative of the interests of the producers of the commodity;

5. Are the cooperative marketing associations efficiently organized to direct the purchasing, storing, and marketing such commodity.

If the board shall by a majority of its members and with the approval of the majority of the advisory council in such commodity find affirmatively that any agricultural commodity falls within the provisions 1, 2, 3, 4, and 5 of this section, then the board shall declare that an emergency exists in such commodity.

The board may, from time to time, on its own motion or upon the request of any organization of producers, declare that such emergency has passed.

SEC. 8. Where the board has made a finding in accordance with section 7 that an emergency exists, and where the producers of the commodity request the cooperation of the board, then the board shall publicly declare its readiness to extend to the cooperative associations engaged in the handling of such commodity its assistance in accordance with this act. And it may—

(a) Require the associations concerned to form a corporation under the laws of any State (hereinafter referred to as the corporation) to represent such association or associations in all transactions with the board and to handle surplus commodities under the provisions of this act. The capital of such corporation may be nominal in amount and shall be subscribed by such cooperative association, or, if there be more than one such association, in such proportions as they may agree, or, in failure of such agreement, then in such proportions as the board may determine.

(b) Make advances for working capital to such corporation to enable it to purchase, store, merchandise, or otherwise dispose of such portion of the commodity concerned as may be responsible for unduly depressing the price thereof.

(c) Such advances may be for such period as the board may determine and may be renewed from time to time by the board.

(d) Such advances shall bear interest at 1 per cent per annum above the rate of interest paid by the Treasury of the United States for its loan last preceding the date of such advances.

(e) Commodities purchased with said advances (unless disapproved by the board) may be pledged as marginal security for loans with which to purchase further amounts of such commodity.

(f) Whenever in the judgment of the board sufficient loans can be secured by the corporation at reasonable rates from other lenders, it shall suspend the further making of advances.

SEC. 9. No commodity which is liable to spoilage during the period of such loan by reason of its inherent nature or inferior condition shall be purchased with the advances made by the board.

SEC. 10. The corporation receiving such advances shall make purchases of such commodity with the proceeds thereof only:

(a) When prices are below or, except for such purchases, may fall below the cost of production to average producers.

(b) Of those grades and qualities of such commodities the production of which it is desirable in the interest of the domestic consumers of the United States, or for which normally a foreign market exists at a price showing a reasonable profit to an efficient producer thereof.

(c) So long as ensuing production of such commodity does not show an increase in planting or breeding according to the estimates of the Department of Agriculture of planting or breeding of the commodity.

(d) If the commodity so purchased shall be properly conditioned, preserved, stored, and safeguarded: *Provided, however,* That no such commodity shall be processed with the aid of advances made by the board in such manner as to produce a change of form except with the specific approval of the board.

(e) If every reasonable effort shall be exerted by the corporation to avoid losses and to secure profits on resales, but the corporation shall not withhold any commodity from the domestic market if the price thereof has become unduly enhanced, resulting in distress to American consumers.

SEC. 11. The corporation shall enter into agreement with the board to—

(a) Adopt by-laws satisfactory to the board in accordance with which any cooperative association handling the same commodity may become a stockholder in such corporation and putting such restrictions upon the alienation of stock in such corporation as will insure the retention both of such stock and of all beneficial interest therein by cooperative associations.

(b) Keep such accounts, records, and memoranda, and make such reports in respect of its transactions, business methods, and financial condition as the Federal farm board may from time to time prescribe.

(c) Permit the Federal farm board upon its own initiative or upon written request of any stockholder in the corporation to investigate its financial condition and business methods.

(d) Set aside a reasonable per cent of its profits each year for a reserve fund, which reserve fund may be transformed into fixed capital and certificates representing its ownership issued to the cooperative associations, stockholders in the corporation, with the assent of the board and under terms and conditions approved by the board.

(e) Distribute the balance among its cooperative association stockholders ratably, according to the amount of such commodity produced in the current year that has been marketed through such associations by the producers thereof.

SEC. 12. The cooperative associations concerned shall enter into an agreement with the corporation to—

(a) Set aside a reasonable per cent of the profits prorated to them for a reserve fund.

(b) Distribute the balance among their members, ratably, according to the amount of such commodity marketed through the association by said members.

SEC. 13. If, by reason of unforeseen conditions, a loss is sustained in the disposition of a commodity purchased under the provisions of this act, which exceeds the reserves previously accumulated by the corporation, such loss may be assessed against the succeeding operations in connection with the commodity concerned, but shall not be assessed against the cooperative association stockholders of the corporation.

#### LOANS TO COOPERATIVE ASSOCIATIONS

SEC. 14. The board is authorized, upon such terms and conditions and in accordance with such regulations as it may prescribe, to make loans out of the revolving fund to any cooperative association engaged in the purchase, storage, sale, or other disposition, or processing of any agricultural commodity or to corporations formed jointly by two or more such associations, for the purpose of assisting such associations in the purchase or construction of facilities to be used in the storage or processing of such agricultural commodity. In making any such loan the board may provide for the payment of a fixed number of annual installments which will within a period of not more than 20 years repay the amount of such loan, together with the interest thereon. The aggregate amounts loaned under this subdivision and remaining unpaid shall not exceed at any one time the sum of \$50,000,000.

(b) Any loan under this section shall bear interest at the rate of  $4\frac{1}{2}$  per cent per annum.

SEC. 15. (a) The board is authorized, upon such terms and conditions and in accordance with such regulations as it may prescribe, to make loans out of the revolving fund to any cooperative association or to any cooperative association created by two or more of such cooperative associations to act as a common agent in marketing any agricultural commodity. Such loans may be made to assist in the orderly marketing of the products of such association or associations, and may be either secured or unsecured. In the making of loans under this subdivision the board shall designate such terms and conditions as to satisfy itself that there is a reasonable prospect of repayment, but shall not require for the repayment of such loan any assessment or charge against the members of any such cooperative association.

(b) Any loan under this section shall bear interest at 1 per cent per annum above the rate of interest paid by the Treasury of the United States for the last loan made by it preceding the date of such advances.

SEC. 16. No loan shall be made under the provisions of section 14 or section 15 to any cooperative association dealing in any commodity for which a corporation has been organized in accordance with the provisions of section 8, except upon the request of such corporation.

#### EXAMINATION OF BOOKS AND ACCOUNTS OF BOARD

SEC. 17. Expenditures by the board for loans and advances from the revolving fund and expenditures by the board from the appropriation under subdivision (b) of section 20 shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the board. Vouchers so made for expenditures from the revolving fund shall be final and conclusive upon all officers of the Government; except that all financial transactions of the board shall, subject to the above limitation, be examined by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination in respect of expenditures from the revolving fund shall be for the sole purpose of making a report to the Congress and to the board of expenditures in violation of law, together with such recommendations as the Comptroller General deems advisable concerning the receipt, disbursement, and application of the funds administered by the board.

#### COOPERATION WITH EXECUTIVE DEPARTMENTS

SEC. 18. (a) It shall be the duty of any governmental establishment in the executive branch of the Government, upon request by the board, or upon Executive order, to cooperate with and render assistance to the board in carrying out any of the provisions of this act and the regulations of the board. The board shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment, in order to avoid preventable expense or duplication of effort.



(b) The President may by Executive order direct any such governmental establishment to furnish the board with such information and data pertaining to the functions of the board as may be contained in the records of such governmental establishment not otherwise prevented by law. The order of the President may provide such limitations as to the use of the information and data as he deems desirable.

(c) The board may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

#### DEFINITIONS

SEC. 19. (a) As used in this act—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "United States," when used in a geographical sense, means continental United States.

(3) The terms "cooperative association" means an association of persons engaged in the production of agricultural products, as farmers, planters, ranchers, dairymen, or nut or fruit growers, organized to carry out any purpose specified in section 1 of the act entitled "An act to authorize association of producers of agricultural products," approved February 18, 1922, if such association is qualified under such act.

(4) The term "corporation" represents any corporation formed under the laws of any State, the stock of which is owned wholly by a cooperative association or cooperative associations.

(5) The cost of production to efficient producers shall be estimated by excluding the costs of the highest cost producers whose production is not required to supply the amount needed for domestic consumption together with the further amount represented by the average of the three previous years' exports of the commodity or the products thereof.

#### REVOLVING FUND AND APPROPRIATION

SEC. 20. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000,000, which shall be administered by the board and used as a revolving fund, in accordance with the provisions of this act. The Secretary of the Treasury shall deposit in the revolving fund such amounts, within the appropriations therefor, as the board from time to time deems necessary.

(b) For expenses in the administration of the functions vested in the board by this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be available to the board for such expenses (including salaries and expenses of the members, officers, and employees of the board and the per diem compensation and expenses of members of the commodity advisory councils incurred) prior to July 1, 1928.

#### PENALTY

SEC. 21. Any member, officer, or employee of the board who, except under order of a court, shall, without authority of the board, make public any information obtained by the board under this act, or who shall, prior to the time such information is made public under the authority of the board, make use of any such information for the pecuniary advantage of himself or of any other person, shall, upon conviction thereof, be punished by a fine of not more than \$5,000, or imprisonment for not more than 10 years, or both.

#### ANTITRUST LAWS

SEC. 22. Any corporation which has entered into an agreement with the board under this act shall, to the extent of its operations in accordance with the provisions of this act, be relieved from the provisions of the "antitrust" laws as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

#### SEPARABILITY OF PROVISIONS

SEC. 23. If any provision of this act is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or class of transactions in respect of any commodity is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons, circumstances, commodities, and classes of transactions shall not be affected thereby.

#### SHORT TITLE

SEC. 24. This act may be cited as "The farm surplus act of 1927."

Mr. CURTIS. Mr. President, the proposed surplus control act, known as the McNary-Haugen bill (S. 4808), and the substitute which I have offered and which, of course, has no number, being a substitute, have several important differences which I wish briefly to explain.

Under the proposed Federal control act, the McNary-Haugen bill, the board is composed of 12 members, 1 from each Federal land-bank district, appointed by the President and the Senate for staggered terms of six years. The nomination of a member of the board from a particular Federal land-bank district is required to be made by the President only from a list of three individuals submitted to him by a nominating committee for the district. The nominating committee is to be composed of five members from the district, selected at a convention of repre-

sentatives of the farm organizations and cooperative associations of the district, held under the supervision of the Secretary of Agriculture. The board is to select its chairman from among the appointed members. The Secretary of Agriculture is an additional ex officio member of the board. The salary of each member of the board is \$10,000 a year.

Under the substitute which I have submitted the board is to be composed of 12 members, one from each Federal land-bank district, appointed by the President and the Senate for staggered terms of six years. Not more than six of the appointed members are to be members of the same political party. No nominating committees are provided for; nor is the President required to consult with farm organizations or cooperative associations in making the nominations. The Secretary of Agriculture is an ex officio member of the board and is to be chairman of the board. The salary of each member of the board is to be \$10,000 a year, the same as is fixed by the McNary-Haugen bill.

Each bill authorizes an appropriation for the administrative expenses of the board prior to July 1, 1927, of \$500,000.

Under the pending measure operations are to be conducted by a Federal farm board through agreements entered into with cooperative associations and their agents and with persons engaged in processing, such as packers, millers, and so forth.

Under the substitute bill operations are to be conducted by private corporations formed under State law by cooperative associations. Only cooperative associations may be stockholders in the corporation.

Under the McNary-Haugen bill operations are to be had in wheat, corn, rice, swine, and cotton. If conditions require operations in other agricultural commodities, the Federal farm board is to submit its report thereon to Congress.

Under the substitute bill operations may be had in all agricultural commodities not liable to spoilage by reason of their inherent nature.

Under the McNary-Haugen bill the Federal farm board may establish an operating period if it finds—

First. That there is or may be during the ensuing year a surplus above the domestic requirements of wheat, corn, rice, or swine.

Second. That there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of cotton or of wheat, corn, rice, or swine.

Third. That the advisory council for the particular commodity favors the full cooperation of the board in the stabilization of the commodity.

Fourth. That a substantial number of cooperative associations and other organizations representing producers of the commodity favor the full cooperation of the board in the stabilization of the commodity.

Under the substitute bill the Federal farm board may commence operations if it finds—

First. That there exists or threatens to exist a surplus in the United States.

Second. That the existence or threat of such surplus depresses or threatens to depress the price of the commodity below the cost of production with a reasonable profit to the average producers thereof.

Third. That the conditions of durability, preparation, processing, preservation, and marketing of the commodity or its products are adaptable to the storage or future disposal of the commodity.

Fourth. That the producers of the commodity are sufficiently organized cooperatively to be fairly representative of the interests of the producers of the commodity.

Fifth. That the cooperative marketing associations are efficiently organized to direct the purchasing, storing, and marketing of the commodity.

Sixth. That the producers of the commodity request the cooperation of the board.

Under the McNary-Haugen bill commodity advisory councils for each basic agricultural commodity are created. Each council is to be composed of seven members representative of the producers of the commodity and selected by the Federal farm board from lists of nominees submitted by cooperative marketing associations and farm organizations. The commodity advisory councils, in addition to participating in the commencement of operations as above set forth, may also call for information from the Federal farm board, confer with it and with cooperative associations and farm organizations in the adjustment of production. The members of the council are to receive a per diem compensation when engaged upon the business of the council. The provisions of the substitute bill in this regard are the same as those of the McNary-Haugen bill.

Under the McNary-Haugen bill a stabilization fund is provided for each basic agricultural commodity. The fund is com-

posed of temporary advances from the revolving fund, bearing 4 per cent per annum interest, of equalization fees imposed in respect of the transportation, processing, or sale of the commodity, and of the profits arising from operations in the commodity. Losses are met by equalization fees as well as by prior profits and advances to the stabilization fund from the revolving fund.

Under the substitute bill no stabilization fund or equalization fees are provided. The capital of the corporations formed by the cooperative associations are to be used as a basis for operations. This capital comes from temporary advances from the revolving fund, bearing interest at 1 per cent per annum above the rate of interest paid by the United States Treasury for the last loan made by it preceding the date of the advance. The corporations may also use prior profits that have been placed in reserves and not distributed to cooperative associations. The corporation may also borrow upon the security of commodities acquired by them. Losses can be met only from prior profits, advances made from the revolving fund, and proceeds of loans upon the commodities.

Under the McNary-Haugen bill there are no limitations upon operations.

Under the substitute bill the corporations formed by the cooperatives may make purchases from the proceeds of the advances from the revolving fund only—

First. When prices are below or, except for the purchases, would fall below the cost of production to average producers.

Second. If the commodities are of a grade and quality the production of which is desirable in the interest of domestic consumers or for which normally a foreign market exists at a price showing a reasonable profit to average producers.

Third. So long as ensuing production of the commodity does not show an increase in planting or breeding.

Fourth. If the commodity is properly conditioned, preserved, stored, and safeguarded.

Fifth. If the commodity is not of inferior grade or liable to spoilage by reason of its inherent nature or inferior condition.

Under the McNary-Haugen bill, after payment of temporary advances from the revolving fund profits from operations will result in the reduction of subsequent equalization fees, and in the case of cotton they may also result in ratable distributions to producers. Under the substitute bill, after repayment of temporary advances from the revolving fund, profits are to be set aside in the reserves of the corporations created by the cooperatives, and are then to be distributed ratably to cooperative associations that are stockholders.

Under the McNary-Haugen bill, the Federal farm board is authorized to make loans from the revolving fund to cooperative associations for the purpose of assisting in controlling the surplus of basic and other agricultural commodities, and also for the purpose of constructing storage and processing facilities. Loans are to bear interest at the rate of 4 per cent per annum. Under the substitute bill, the Federal farm board may make loans to cooperative associations for the purchase or construction of storage and processing facilities and to cooperative associations or common marketing agencies for the orderly marketing of products of the associations. The loans are to bear interest at 1 per cent per annum above the rate of interest paid by the Treasury of the United States for the last loan made by it preceding the date of the advances.

Both bills provide for a revolving fund of \$250,000,000.

Mr. President, the measure which I have offered as a substitute creates in the Department of Agriculture a farm loan board consisting of 12 members, to be selected by the President and confirmed by the Senate, 1 from each of the 12 Federal land-bank districts, and they must be experienced as producers or in cooperative marketing. The bill gives each of them a salary of \$10,000 a year and traveling expenses; and the Secretary of Agriculture is made chairman of the board. When that board shall be created, then it will have the right to appoint an advisory council for each of the agricultural commodities to which the bill is made applicable. That provision is the same as the one in the McNary-Haugen bill. When the board and advisory council are appointed, then they are to investigate the conditions of agriculture; but let me point out one marked difference between the McNary-Haugen bill and the bill which I have offered as a substitute. The McNary-Haugen bill names certain basic commodities which alone can receive the benefits of the act. The substitute bill makes the board of 12 a forum before which the producers of any agricultural commodity may appear when, on account of conditions, they are in distress and a showing is made that an emergency exists as to that commodity. Then if a majority of the board decides that there is an emergency, the provisions of the bill apply.

When the board finds that there is an emergency as to any basic agricultural commodity and that the provisions of the bill should become operative as to that commodity, then the board is authorized to have the cooperatives, or one cooperative dealing in that particular commodity, organize a holding corporation. The economic condition of all agricultural products is not the same at a given time. There may be an emergency as to wheat and not as to corn; as to cotton and not as to swine; and, therefore, each commodity is dealt with separately. The substitute bill further provides that if private credit can be obtained at reasonable interest, the board shall cease to loan money; but the board may authorize the corporation to hypothecate the commodity it has bought as security for additional loans. But the corporation can not take such action unless the board authorizes it to do so.

The Government will have a first lien on the commodities purchased out of the revolving fund by the holding corporation unless the board shall waive its first lien and take a second lien.

The substitute bill is not intended as a price-fixing measure, but it is intended as a price stabilizer and such stabilization is essential to the producers and to the consumers. Nor is the bill intended to interfere with the law of supply and demand, except in one respect. The only effect it is intended to have on the law of supply and demand is this: It will peg the price to the cost of average production, and it will do no more than that so far as the operation of this corporation is concerned. The substitute bill also provides that when one holding corporation is created for any commodity no other holding corporation for that same commodity can be created; nor can any loan be received out of the revolving fund by cooperatives, but they must deal with this one agency created to deal in that particular commodity.

The substitute bill authorizes the loaning of not to exceed \$50,000,000 out of the revolving fund for the purpose of building storehouses, warehouses, and so forth, in which to hold the commodity.

The substitute bill also authorizes, as did the Tinscher-Fess bill, the loaning of money to cooperatives which are efficiently organized, or which control any particular commodity, in order to enable them to bring about orderly marketing.

Mr. President, in my opinion, the substitute bill will aid cooperatives, because it provides that the corporation shall be organized by cooperatives; that if the corporation shall make a profit a certain per cent of the profit shall be set apart as a reserve for the corporation, and that the remainder of the profit shall be distributed to the cooperative, or cooperatives, organizing the corporation, with the mandatory provision that the dividends received shall be distributed pro rata to the members of the cooperatives who are marketing through those cooperatives. The substitute bill also provides that if loss should be sustained there shall be no individual liability against the stockholders of the corporation or the cooperatives, but any reserve acquired by the corporation and profits made in future operations shall be subject to pay the loss. There is, however, no assessment against the stockholders of the corporations or the members of the cooperatives forming the corporation.

Both bills create a revolving fund of \$250,000,000. This is to finance the initial requirement of all the bills, to enable them to function. Then the Haugen bill provides for the levy of an equalization fee in the future to get money with which to pay the loss on the surplus which is to be sold in Europe at any price, and the Haugen bill provides that contracts may be made with cooperatives; that contracts may be made with the packers, and so forth, to process and take the commodity off the market; and the bill provides that if these packers or these other agencies to whom is given the power and duty of buying and taking the commodity off the market sustain a loss, the loss they sustain is to be paid. They can process and hold it, and, if they lose, their loss is paid.

How does the Haugen bill propose that this fund from the equalization fee be spent? First, there is to be paid the amount agreed to be paid by the board for losses, costs, and charges in respect of the operation in any basic agricultural commodity or its food products. There is paid the contract price to the packers and others, private agents with whom contracts are made; second, salaries and expenses of such experts as the board determines should be payable from such fund; and, third, repayment to the revolving fund or the United States. I fear under the McNary bill the farmers will be taxed to save the private agents who process the product from loss.

Under the substitute bill the commodity is in the hands of the corporation with a lien on it, and they can only buy when the commodity is selling below the cost of the average production. They can only buy when the commodity is capable of being preserved and stored.



I had intended to refer to some of the doubtful provisions of the McNary-Haugen measure. I do not intend, however, to read what I had written in regard to them, but will state off hand what I think of one or two of the provisions of that measure, and state why this substitute was prepared.

The object of both bills is to take care of the surplus. Under the McNary-Haugen measure an equalization fee is assessed. The substitute eliminates the equalization fee, because there are many who urge that the equalization fee is not constitutional. I do not pretend to be a constitutional lawyer and shall not discuss the constitutionality of the provision, but will leave that to those who are to follow.

The measure which I have offered as a substitute follows the old plan of handling the surplus. Many of us can remember, years ago, that if there was a surplus of corn in our community it was purchased by men who desired to hold it or it was stored by the producers. I can remember, 25 or 30 years ago, that if you went along the railroads in Kansas you would find corncribs four or five blocks long full of corn. The owners of those cribs bought the corn when it was low and held it until there was a shortage and then sold it at a profit. If you were to go to the houses of the substantial farmers you would find that they had large corncribs in which to store their corn produced in years when there was a large crop so that they might sell it in the years when there was a short crop; and in like manner wheat was held from year to year in bins.

This bill offered as a substitute is intended to carry out that theory, and is based on the assumption that there may be a surplus of a product this year and next year there may be a shortage. It is seldom that more than two or three years elapse without a shortage; and the purpose of the substitute is to buy the product, no matter what it is, when there is a surplus that may endanger the production and reduce the price below that which will give to the average producer a reasonable profit, and hold that product until there is a shortage in the crop or until the price changes, and then when it does change they are to ease off and sell the product, so as to prevent the consumers from having to pay extraordinarily large prices when there is a shortage.

In other words, the substitute bill is intended not only to protect the producer, but, when there is a shortage, to protect the consumer. Of course, I do not know about cotton and rice and the other products, but I do know that out in our country we will have, say, two large wheat crops and then it will be two or three years before we will have another one. We may have a large corn crop this year, and it may be one or two years before we have another large corn crop. As I stated a moment ago, this bill is drawn with the idea of having corporations organized with a nominal amount of capital that can obtain loans upon this nonperishable product, store it, and hold it until they feel that it should be sold.

There is another thing in this measure that, I believe, makes it better than the McNary-Haugen measure, and that is the danger in the McNary-Haugen bill of encouraging overproduction. I believe that by the terms of that measure there is danger of overproduction; and as I read the bill—I may be mistaken, but I have read it several times—I find but one provision in it that would stop overproduction, and that is advice. The measure which I have offered as a substitute places power in the hands of the corporation to limit advances of money if there is an effort upon the part of the producers to bring about an overproduction over and above that estimated by the Department of Agriculture.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. CURTIS. Certainly.

Mr. ROBINSON of Arkansas. I deem it proper in this connection to call the attention of the Senator from Kansas to the fact that the proponents of the McNary-Haugen bill contend and believe that the levying or prospect for the levying of an equalization fee will automatically operate as a restriction on production.

Mr. CURTIS. I know that is their contention; but while I voted for the measure before, and frankly state that if this substitute is defeated I expect to vote for it again, I have my doubts about it limiting production. I think there is another danger in the bill; that is, the equalization fee, the constitutionality of which I shall not discuss, because, as I say, I am not a constitutional lawyer and do not pretend to be.

Mr. ROBINSON of Arkansas. The Senator is too modest.

Mr. CURTIS. Second, I fear it will encourage overproduction. Third, I fear the producers will object to an equalization fee.

In the second place, I believe that under the McNary-Haugen bill there is a chance of speculation. If you will read the

bill—I have forgotten the number of the section, but the Senator from Oregon [Mr. McNary] probably will remember it—you will find a provision which requires the board in declaring an emergency in a product to fix a date when the provisions of the bill shall begin to operate. It seems to me that if you fix a date in the future when the provisions of the bill are to take effect against any product you encourage the speculators, who know all about that product, to speculate in it until the bill goes into operation.

The measure I have introduced as a substitute has been changed in two regards since it was introduced in the Senate and in the House. As first introduced it provided for a world surplus. That was not intended as it was construed by some. The intention was only that there be a surplus in the United States; so I have changed the wording of the substitute to make it apply to a surplus in the United States. I may add that that provision of the bill was taken from the remarks made by ex-Governor Lowden in one of his speeches on this subject, and one or two of the provisions of the substitute are intended to carry out his theory in regard to the surplus. The substitute bill as prepared was taken from the McNary-Haugen bill, the Aswell bill, the suggestions made by Governor Lowden, the Fess-Tincher bill, and some of the provisions of a bill suggested by Mr. Drummond, of Kansas City, Mo.

The measure as drawn and offered seeks to eliminate from the bill the controverted features of the McNary-Haugen measure. We believe we have a measure that is constitutional and against which that question will not be raised. We believe we have a measure that with proper management by the board will not cause a loss to the Government, but by holding and properly handling the product will bring back all the money advanced and a profit will be made for the cooperatives.

I hope the substitute will be adopted.

Mr. SHEPPARD. Mr. President, although opposed at first to the McNary-Haugen bill, I have decided, after careful study, to support it.

The emergency affecting agriculture shows no sign of diminution. The spread between the price received by the farmer and the price paid by the consumer continues to be of outrageous dimension. There is a continued absence of any just relation between the purchasing power of his products and that of the products of the manufacturer. He can not continue to endure existing conditions without being beaten and driven to a lower standard of living than any American ought to be permitted or expected to endure.

Agriculture is not only the essential accompaniment of industry, commerce, and every other form of human enterprise, but it forms almost half the buying power of the country; and if that power be lost, or substantially impaired, untold losses and retrogression will occur in manufacturing, banking, transportation, and trade, to the infinite injury of our whole economic fabric. The disappearance or substantial impairment of American agriculture will mean that the multitudes in American industry and commerce, if such industry and commerce are to continue on the present or on an increasing scale, must be more and more largely sustained by food products and industrial raw materials from other parts of the earth. This will necessitate increasing our naval and military strength in order to safeguard our very existence, probable clashes with other nations in a similar situation, a colossal war establishment with all that such an institution implies, and the ultimate erection of a militaristic Government on the ruins of a Republic which had its roots in a self-sustaining balance within its own borders between agriculture and industry. Once the art of agriculture is lost it can not be replaced for generations.

The collapse of agriculture as a profitable calling enabling its followers to maintain American standards of life and progress is fraught with such fatal consequences to the Nation and the world, as well as to the farmer himself, that no human terms can measure the need of immediate and effective action. It will not do simply to dismiss every proposal for relief. The legislator who rejects every suggestion and offers nothing of constructive purpose assumes a terrible responsibility. Evidently the supreme problem in agriculture is that of a permanent economic reorganization adapting it to modern conditions. Such a purpose can not be studied and accomplished in a single year or in a few years. Meanwhile the crisis in agriculture becomes more menacing and acute. It must be protected from the influences that are paralyzing it while a permanent adjustment is being developed. The McNary-Haugen bill is intended to bridge the chasm between the unorganized present and the organized future.

In addition to a more intensive application of the principles of cooperation, the bill seeks to establish a method by which producers may control the handling and marketing of crop sur-

pluses and prevent violent price fluctuations. The Senate Committee on Agriculture has pointed out that the variation of yield due to weather and other natural factors makes it impossible for farmers to control volume of production by regulating acreage; that the task of managing the supply not immediately required must be borne by each agricultural commodity group as a whole if disastrous price fluctuations are to be avoided; that for each commodity group a fund is provided by this bill to be used for withholding or removing surpluses above current needs and distributing them to the best advantage; that thus a greater degree of stability in agriculture may be secured to the benefit of the farmer, processor, and consumer. The fund referred to is to be supplied by what is called an equalization charge or fee calculated and collected by the board on each commodity after it becomes the subject of operation under the bill. Before action under the bill can be taken as to a commodity the board must find that there is or may be a surplus and that a substantial number of associations of those producing that commodity favor such action. Further conditions precedent to action are a favorable finding by an advisory council and approval by those members of the board who represent at least half of the production of the commodity concerned. It should be observed that whenever the board finds that commodities not mentioned in the bill might be profitably included within its operations it is required to report to Congress and that thus Congress is given opportunity to extend the bill to other commodities.

Whatever may be said in criticism of this measure, it can not be denied that it is the proposal for farm relief most widely supported by the agricultural elements of our population. Whatever doubt I may still have as to its effectiveness I shall resolve in its behalf. The hour calls for action. The great problems of humanity have approached solution more rapidly through the process of trial and error than through any other method. The situation confronting the farmer and the Nation is such that this measure is entitled to a trial. If the farmer sinks, the flood that engulfs him will attack and dissolve the very ground on which the rest of us stand. In the name of both the Nation and the farmer I give my support to this bill.

Mr. CARAWAY. Mr. President, I hold in my hand an editorial which I wish to call to the attention of the Senate. I am reminded also of two clippings to which I desire to refer.

Under a Chicago date line of February 5, one of these states:

Wheat prices higher. Hope for farm relief bill stimulates buying in Chicago.

I find this also:

Cotton up 16 points in active trading. Market broadened under influence of proposed farm relief measure.

In this morning's Washington Post is an editorial headed "The McNary-Haugen bill," which reads in part as follows:

When the Chicago grain gamblers learned that the McNary-Haugen bill was scheduled to pass Congress there was a scramble to accumulate wheat, and the price advanced. Why shouldn't it? The purpose of the bill is to raise the price of wheat.

In spite of all disguises, the vicious character of the McNary-Haugen bill stands out. It is a plan to pinch American consumers for the benefit of producers. Thus class is arrayed against class and the spirit of hatred is engendered.

I am surprised to find that in the Washington Post. As long as the city was being fed at about one-half of what it cost the farmers to produce, and legislation was being enacted for the benefit of manufacturers of commercial interests, and to extend nothing but burdens to the agricultural interests, this very live paper never found out that there was any class legislation being enacted, or anything that was calculated to stimulate class hatred. As long as the legislative favors were being extended to the commercial and the industrial interests, that was an entirely proper and wise use of legislative power. But when Congress seeks by means of such a bill as the pending one to enable the farmers to acquire some machinery by which they can force those who eat what they grow to pay prices equal to the cost of production, then it is vicious.

I will not comment on that further at this time except to say this, that the only Members of the Senate who do not realize that this legislation is going to help the farmer are the farmers' representatives themselves. There are some Senators here from agricultural States who will not believe their friends when they tell them that this measure will help the farmers; nor will they believe the enemies of the farmers when they say it is going to increase the prices for which farmers will be required to sell their products. We can not convince them at all that it is going to do anything to change the prices of farm products; why, I do not know. The industrial East knows it. Every Senator on this floor whose constituents

are interested in cheap raw materials knows it, and every one of them is responsive to the demand of his constituents and is going to vote against this bill. It is entirely proper, from their viewpoint, to vote against it; and their viewpoint will be approved by papers like the Washington Post, which seem to think that Congressmen are patriots as long as they vote to keep the cost of raw materials low, although the farmers starve. Every Senator on this floor knows that it is the purpose of this bill to enable farmers to get living prices for the products they produce, and every one of the Senators to whom I have referred will, regardless of political affiliation, vote against the pending measure.

The thing that fills me with amazement is that some Senators who come from agricultural communities refuse to believe their friends when they are told that the measure will help the farmer, and will not even believe the farmers' enemies when they say it is going to increase the cost of living in the city because it is going to increase the prices for which farmers will sell their products.

Sometimes I feel that if it were possible I would like to have passed a resolution of investigation into the mental processes of Senators of that particular kind. It seems to me that it might be helpful if we could find out how it is that they never can realize that they stand against the combined opinion of both the farmer and his enemies that this legislation will increase the prices of farm products.

I do not intend to take any more time at this moment, but I wish to discuss the matter a little later on.

Mr. WARREN. Mr. President, I desire to ask the Senator in charge of the bill if he could give me time to call up a conference report.

Mr. McNARY. Mr. President, as I said on Saturday, I hoped that we might devote all of this afternoon, following 2 o'clock, to the pending measure. Several Senators have spoken to me about addressing the Senate to-day, and I think if the Senator from Wyoming will wait, perhaps, by 4 o'clock there will be an opportunity to take up the conference report in which he is interested.

Mr. WARREN. Very well. I thank the Senator for his courtesy. I want to say, further, that unless I can have it taken up this afternoon, I give notice, and ask to have it noted, that I shall attempt to have the conference report taken up tomorrow immediately after the morning business shall be disposed of.

Mr. McNARY. I can assure the Senator that he will have an opportunity during the afternoon.

Mr. WARREN. I trust that I may.

Mr. BRUCE. Mr. President, I would like to inquire of the Senator from Oregon whether he proposes to ask for a vote on the pending bill to-day?

Mr. McNARY. I would like to have a vote at 3 o'clock.

Mr. BRUCE. Yes; the Senator would have liked to have had a vote four or five days ago.

Mr. McNARY. Certainly. I am still entertaining the same hope.

Mr. BRUCE. Does not the Senator propose to give us an opportunity to discuss it?

Mr. McNARY. I would be very glad to have the Senator from Maryland make his discussion at this very hour.

Mr. BRUCE. I am not prepared now. I have had to give my attention to other measures. We are to have a session to-night, and there are two or three matters of legislation which will come up about which I am very much concerned. I want some little time to consider this bill critically. I certainly do want to have an opportunity to express my opposition to it.

Mr. McNARY. I am very eager to hear the Senators' opposition, and I do not want to do anything which may foreclose him of that opportunity. The bill has been the unfinished business for three days. Will the Senator be ready to-morrow?

Mr. BRUCE. Yes.

Mr. McNARY. Very well, then; we will make a note of that.

Mr. FESS. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. FESS. I think I said to the Senator from Oregon that I would be ready to speak this afternoon.

Mr. McNARY. The Senator did.

Mr. FESS. I am not ready; but if it will prevent delay in the consideration of the bill, I shall go on anyway.

Mr. McNARY. I know the Senator is very thoughtful about such things, and I personally hope he may go on, because the program was arranged with that idea in mind. If the Senator will permit me to suggest the absence of a quorum, I shall be delighted if he will follow with his speech.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NEELY in the chair). The Secretary will call the roll.



The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	George	McLean	Robinson, Ind.
Blease	Gerry	McMaster	Sackett
Bratton	Gillett	McNary	Schall
Broussard	Glass	Mayfield	Sheppard
Bruce	Goff	Metcalf	Shipstead
Cameron	Gooding	Moses	Shortridge
Capper	Hale	Neely	Smith
Caraway	Harris	Norbeck	Smoot
Copeland	Harrison	Norris	Steck
Couzens	Hawes	Nye	Stephens
Curtis	Hedin	Oddie	Stewart
Dale	Howell	Overman	Trammell
Deneen	Johnson	Pepper	Tyson
Dill	Jones, Wash.	Phipps	Wadsworth
Edwards	Kendrick	Fine	Walsh, Mass.
Ernst	Keyes	Pittman	Walsh, Mont.
Ferris	King	Ransdell	Warren
Fess	Lenroot	Reed, Pa.	Watson
Frazier	McKellar	Robinson, Ark.	Wheeler

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present. The Senator from Ohio will proceed.

Mr. FESS. Mr. President, with reference to the farm relief bill now before the Senate, I shall content myself with a mere statement, with some comments upon some features of the bill. I do not intend to go into it and to discuss it in extenso, because I did that during the last session. While the pending bill is not identical with the bill before the Senate in the last session, it is fundamentally the same measure. In other words, if I had fundamental objections to the previous bill, those objections have not been relieved by the pending measure.

The first objection I have is that the bill does not deal with the agricultural problem in a fundamental way. There is a method which is legitimate and economic for increasing the price of agricultural products. That is either by expanding the demand for them or limiting the production. Either one would do it. The limitation of the production of agricultural products is a difficult problem, as has been stated over and over by both the proponents and the opponents of the legislation. I need not comment upon that matter.

But there is no doubt that production can be tempered at least. There can be limitation without necessarily effecting it by legislation or statutory enactment. The bill proposes to limit it by the operation of the equalization fee. Just how far that would go no one could tell. I am perfectly willing to say that any burden that is put upon the product of the farmer which was not there before might deter him from an increase of his production. Every Senator will recognize that in the last 25 years we have put the emphasis upon production. That was because the acreage is more or less limited, while population, which measures the demand, is constantly increasing. Therefore, the economic force seemed to operate to make the acre increase the production under scientific application. That has been the emphasis placed upon agriculture from the standpoint of the Government and States for the last 25 years, until we have very largely increased production. Now the emphasis is no longer on the increase of production. The fact is that we are producing away beyond our ability to consume. If we can not increase that consumptive power, then there ought to be some effort put upon the reduction of the amount of production.

There are ways to increase the consumptive power. We are doing it right along in the United States. Whenever we lift to a higher level the buying power of our people, such as we are doing by maintaining a high level of wages, which is the real consumptive power of the country, then and thereby we increase the power of consumption. Whenever we also augment the home market so as to sell at home what heretofore we were unable to sell, that will expand consumption. Wherever we can increase the foreign exports, that will also increase consumption. Wherever that can be done, it is a legitimate function of the Government to do it. These are fundamentals, and when we go beyond these two items we have gone into a field of more or less experiment, and that is what we are in now.

I will admit with all on the floor that there is an agricultural problem. Just how the problem is to be relieved is a point of difference in the discussion. I would relieve the surplus problem by handling it through agencies outside of the Government. That is the purpose not only of the substitute which I offered in the last session, but of the substitute offered by the Senator from Kansas [Mr. CURTIS] this afternoon. I would much prefer to follow the method of relief by private agency rather than to enter upon governmental relief.

The pending bill provides primarily governmental relief, and it is that feature which differentiates it from the measure I would like to see favorably considered.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I will yield.

Mr. COPELAND. Is not the protective tariff governmental relief?

Mr. FESS. The protective tariff is a stimulation to build up American industry in order that American capital may invest in the employment of American labor to maintain the standards of American living.

Mr. COPELAND. It violates the economic law in that it violates the law of supply and demand, does it not?

Mr. FESS. It does not violate the economic law in the United States. Whenever we put the United States on the same level with Europe, either by pulling down the United States to the level of Europe or lifting Europe to the level of the United States, then we have freedom of trade, but not until we make it uniform the world over.

Mr. COPELAND. Let me ask the Senator another question. Is not the American farmer brought down to the level of Europe in that he has to compete in the world market for the sale of his grain?

Mr. FESS. Certainly not.

Mr. COPELAND. Is not the price of wheat in this country fixed by the price abroad, in Liverpool?

Mr. FESS. It is not. That is a statement, Democratic in origin, which has been embraced by a good many Republicans. The statement has been made over and over again that the American farmer is required to sell in the world market, with no protection, and is compelled to buy in a protected market, where he has to pay an additional price. That statement is not true.

Mr. COPELAND. I hope the Senator from Ohio will disprove it.

Mr. FESS. I will disprove it.

Mr. COPELAND. I shall be interested to hear the Senator's argument.

Mr. FESS. If the Senator from New York will take his seat and listen he will have no trouble in hearing what I have to say.

Mr. McMASTER. Mr. President, will the Senator from Ohio yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. I ask the Senator from South Dakota to wait until I shall have answered the Senator from New York [Mr. COPELAND], and then I will yield to him.

In the levy of duties, which in some cases are for revenue only and in other cases for protection in addition to revenue, we require by law that certain articles which are produced in this country and which come into competition with similar articles imported from Europe shall be protected, while on other articles, which we do not produce, we put no protection whatever and do not even levy a revenue duty. On the other hand, in the language of a great Ohio statesman of years ago, whenever under stimulation the development of domestic production is sufficient to bring the price of the domestic article down to what it is in Europe, we take from that protected article all duty and allow it to have freedom of sale either in this or in other countries.

Ninety-two per cent of all which is produced in America is sold in the United States. Of course, that is not true as to cotton, which is an exception. Something like 37 per cent only of the domestic cotton crop is manufactured and consumed in the United States. The major portion of the raw cotton is exported. However, considering the production of the American farmer as a whole, more than 90 per cent of all he produces is sold at home, and less than 10 per cent is exported. Then, what becomes of the argument that the American farmer is required to sell in an unprotected world market and not in the home market?

Mr. McMASTER. Mr. President—

Mr. FESS. I will ask the Senator to wait until I get through this branch of my subject.

The PRESIDING OFFICER. The Senator from Ohio declines to yield.

Mr. FESS. On the other hand, if there is a burden to the buyer here at home by reason of protective-tariff rates, in case of the farmer we undertake to relieve that burden by putting commodities on the free list. So upon the free list are found building materials; lumber, the basis of farm building; cement and bricks, which are the basis of heavier construction.

Mr. COPELAND. And steel wire also?

Mr. SMITH. All steel products, too?

Mr. FESS. Certain styles of fencing are on the free list.

Mr. COPELAND. The Senator means probably certain "stylish" fences.

Mr. FESS. A certain style of fence wire is on the free list; I would not say every style of fencing, but the most important kinds of fencing are on the free list, having been put there in the interest of the farmer. In addition to that, we have put on the free list most of the implements which the farmer uses on his farm. In other words, on the things which the farmer must buy in order to cultivate his farm, he does not pay a cent of duty. Not only that, his shoes, his boots, his harness, and his leather are on the free list. The farmer thinks that we ought to put hides on the protected list, and I am not opposing that, providing there be a compensatory tariff upon shoes, into the manufacture of which the hides go.

So that the statement which has been made by my good friend from New York [Mr. COPELAND], and which has been bandied about here and there all over the country, that the American farmer has to purchase his goods in a protected market and to sell his goods in a world market is misleading and it has been so from the beginning.

Mr. COPELAND and Mr. McMASTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield first to my friend from South Dakota.

Mr. McMASTER. The political economist, Adam Smith, 175 years ago—

Mr. FESS. That is too long ago.

Mr. McMASTER. Now, just let me finish, and then I shall let the Senator interrupt me. Adam Smith laid down the principle that the surplus of a crop determined the price of the whole crop. In the case of wheat in this country we produce on an average between seven hundred and eight hundred million bushels a year; and we consume approximately about 500,000,000 bushels a year; therefore, we have a surplus necessarily ranging from 150,000,000 to 300,000,000 bushels. Now, I want to ask the Senator if he had \$10,000,000 to invest in wheat to-day when he went onto the market to invest in wheat would he or would any commission firm in the United States think of paying 10 cents a bushel more than the London market price? Why?

Mr. FESS. If I did not, I would not want the Government to do it for me, as the Senator from South Dakota wishes.

Mr. McMASTER. Let us confine ourselves to the issue that is here, which we are discussing, as to whether or not the surplus crop determines the price of the whole crop.

Mr. FESS. It does not.

Mr. McMASTER. There is not a commission firm in the United States to-day—in Minneapolis, in Chicago, or in New York—that would begin to think of paying 10 cents a bushel more for wheat than the London price. Why? Because they know that at the end of the crop year there are bound to be 200,000,000 bushels of surplus wheat in this country, and that that wheat must be sold upon the world market. So no commission firm at any time or in any place ever thinks of paying more than the London price for wheat.

Mr. FESS. If the Senator is right, then, in dealing with the surplus, we ought either to repeal all tariff legislation or else we ought to reduce the production of wheat and not have a surplus. We should do one or the other.

Mr. McMASTER. The Senator has just stated the impossibility of curbing or controlling the production of crops in the United States; it is practically an impossibility. We know that with the same acreage we may produce this year 100 per cent more of wheat or of corn than we shall produce next year on exactly the same acreage. We have our surplus crop to deal with; and in the case of wheat the Senator from Ohio, I think, is one of the few students of political economy to-day who make the statement that London or Liverpool does not fix the world price of wheat.

Mr. FESS. The London price of wheat is always above the American price. How, then, does it control the American price?

Mr. McMASTER. The Senator says the London price is always above the American price—

Mr. FESS. The Senator can have plenty of time to speak on the subject later on.

Mr. President, if the Senator from South Dakota is correct, he should at least do one of two things: He should be opposed to all protective tariff rates on commodities of which there is any surplus or he should undertake to reduce the production so that there will not be a surplus. If we are bound to have a surplus whether there be legislation or not, then let us handle the surplus in a way by which the Government itself will not be required to pay the industry a subsidy.

Mr. McMASTER. The Senator merely suggests a different way of handling the proposition. The Senator himself admits that the surplus should be handled either through private agencies or through Government agencies.

Mr. FESS. Because I do not take the position the Senator takes about the surplus.

Mr. McMASTER. Why should we want to handle any surplus at all if the world market does not determine the price of that surplus?

Mr. FESS. To get rid of it, because we have not any use for it.

Mr. McMASTER. There is only one place to get rid of it, and that is in the world's market.

Mr. FESS. The Senator does not propose to get rid of it in the world's market; he proposes to withhold it.

Mr. McMASTER. Oh, no; Mr. President.

Mr. FESS. But I am proposing to withhold it until such time as the market conditions will absorb it. The Senator proposes that the Government shall do what I propose that the farmer himself shall do. That is the difference.

Mr. McMASTER. Then it is a difference of opinion as to which way it should be handled. Private agencies thus far have not been able to handle the surplus problem at all.

Mr. FESS. Mr. President, the Senator can take his time to present his side of the issue.

Mr. COPELAND. Mr. President, will the Senator from Ohio yield to me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield to the Senator from New York for a question.

Mr. COPELAND. If I must formulate my interruption in the form of a question, I think the Senator has stated that the farmer is going to get relief either by a destruction of the tariff system or by getting rid of his surplus. Does the Senator—

Mr. FESS. The Senator from New York must not put words in my mouth. I was referring to the position of the Senator from South Dakota; I was not saying that his position is my position.

Mr. COPELAND. Well—

Mr. FESS. Mr. President, now I shall proceed.

The PRESIDING OFFICER. The Senator from Ohio declines to yield further.

Mr. FESS. On page 2 of the bill it is provided:

SEC. 2. (a) A Federal farm board is hereby created which shall consist of the Secretary of Agriculture, who shall be a member ex officio, and 12 members, one from each of the 12 Federal land-bank districts, appointed by the President of the United States, by and with the advice and consent of the Senate, from lists of eligibles submitted by the nominating committee for the district, as hereinafter in this section provided.

Mr. President, there has never been such an innovation in the matter of giving to an industry absolute control; there has never been in this country such an approach to sovietism as that particular section. It does not give the power to the President to appoint, but limits the power of the President. This proposal puts behind the board the official prestige of the Government, but the board is to be selected by propagandists representing farm organizations throughout the United States. I say again that there never has been in this country such an approach as that to sovietism. The idea that the members of the Federal Trade Commission should be appointed on the nomination of the business enterprises of the country, the idea that the members of the Federal Reserve Board should be appointed on the nomination of the banks and commercial industries, and the idea that the members of the Interstate Commerce Commission should be appointed by the presidents of railroads or the managers of railroads have never been suggested, and, if suggested, would not only be rejected but resented; yet this bill embodies the idea that the members of the proposed farm board shall be nominated by farm organizations. In order to get the prestige of the Government behind it, the President is to make the appointments, but he is limited to the three recommended by farm organizations.

Mr. McMASTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. Mr. President, I have no authority to say what will be done; I have not talked with anyone on this matter; but I feel absolutely confident that no President will be free to sign a bill that contains such a provision. Not only is it without constitutional authority but he can not maintain his self-respect and sign a measure with such a limitation of his power and at the same time give to the board the prestige of the Government. While, as I have said, I have never talked with anyone upon that phase of the subject, I am giving my opinion of it. Whatever this House does and whatever the other House



does, if that provision is left in the bill, in my judgment, it can not become a law.

Mr. STECK and Mr. McMASTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield, and, if so, to whom?

Mr. FESS. I yield first to the Senator from South Dakota.

Mr. McMASTER. In regard to the Federal reserve system, is it not true that in each regional district the national bankers send in their recommendations and their nominations for the local board in the district?

Mr. FESS. If they do, it is simply voluntary, because there is no provision in the law to that effect.

Mr. McMASTER. But they do that. Is not any attention paid to their recommendations?

Mr. FESS. That may be, but they are not binding.

Mr. McMASTER. Of course, it is true that this is probably the first bill that ever came before the Congress where the farmer really had an opportunity to say something about his own business.

Mr. FESS. The Senator may take some consolation from that statement; but we do not legislate for the American people on that basis, not even for the farmer nor for the people of any section of our country.

Mr. STECK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FESS. Yes.

Mr. STECK. As I understand, the Senator objects to this provision of the bill as a matter of principle, and says the President would not consent to be so limited, or should not be so limited. Am I correct?

Mr. FESS. I object to it on principle, and I stated that it was my personal judgment that the President would not sign it if we should pass it.

Mr. STECK. The Senator knows, of course, that the President is now limited, in the appointment of general officers of the Army and the Navy, to a list recommended by a board in each of those branches of the service.

Mr. FESS. Under general law upon which seniority builds an army.

Mr. STECK. Not necessarily so.

Mr. FESS. When the time comes, Mr. President, I shall move to strike out all after the word "Senate," in line 11, page 2, including the rest of page 2, all of page 3, and page 4 down to line 21.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. I yield to the Senator from Montana.

Mr. WHEELER. Let me ask the Senator if the President did not sign a bill which provided that three members of the farm loan board should be recommended by the districts from which they came?

Mr. FESS. I have no knowledge as to that.

Mr. WHEELER. I will say that the farm loan board bill has such a provision in it, and it was signed by the President.

Mr. FESS. Mr. President, we have been moving toward regionalizing various commissions. The first movement of that kind was in the Federal reserve act of 1913, and it was thought by some not to be the wisest move. Then that was followed by an attempt to do the same thing in what is known as the vocational education bill. With another Member of the House I took that bill to President Wilson. President Wilson criticized that effort, but said it was in the bill, and that he would not veto it because of that. Now, there is an effort to regionalize the Interstate Commerce Commission. I have been fighting that to the limit, as I think it very unwise. Some of my colleagues on both sides do not agree with me, but I think it is very unwise.

This, however, goes away beyond that. This is not regionalizing; this is sovietizing. It is putting the business controlled by the Government under the business itself. In other words, it is Government operation by the business that is concerned; and I say again that I do not think the President will sign a bill with that provision in it.

I am not going to speak on the provision on page 8 that was spoken of by the Senator from Kansas [Mr. CURTIS] in regard to the speculative feature, because he mentioned it. That is one of the objections I have to this measure; and I am of the opinion that that feature on page 8, line 16, ought to be modified.

Mr. GOODING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield to the Senator from Idaho.

Mr. GOODING. I want to ask the Senator a question. The Senator surely does not mean to say there is no difference between the commission which this bill provides and the Interstate Commerce Commission, the Federal Trade Commission, or any other commission dealing with public questions alone. This commission will deal only with the marketing of agricultural products. Under this bill the farmers will only be performing, through a board of directors, the same service that they are now performing for themselves; but they will be organized so as to bring about an orderly and intelligent marketing of their farm products. Surely the Senator does not say that a commission created in that way is the same as the Interstate Commerce Commission or the Federal Trade Commission.

Mr. FESS. Mr. President, I will say to my friend from Idaho that he is certainly limiting the operation of this farm board if he says, while the Interstate Commerce Commission is created primarily to deal with transportation, that it is limited to transportation.

Mr. GOODING. It is created for that purpose.

Mr. FESS. This board is to deal with the farmer—

Mr. GOODING. The marketing of farm products alone.

Mr. FESS. But it will affect all classes of people who are interested in farm production, just the same as the Interstate Commerce Commission, dealing with the railroads, affects the public in general. This board will affect the public in general.

Mr. STEWART. Mr. President—

Mr. GOODING. Mr. President, I desire to ask the Senator another question. Could there be anything fairer than having 36 representatives of farm organizations recommended to the President and providing that he shall select 12 out of them? Is not that fair enough? Is not that latitude enough?

Mr. FESS. If the President should ask that recommendations be made by the farm organizations, that would be well and good; but there is a world of difference between that and saying that the President can not appoint anybody except from the list of those whose names are nominated to him. That is different.

Mr. GOODING. Does not the Senator think, in all spirit of fairness, that the farmers ought to be the masters, as far as that is concerned, of the marketing of their own products?

Mr. FESS. That is precisely what I want them to do, and I do not want them to do it through the Government. I want them to do it themselves, and let the Government assist them in so doing.

Mr. GOODING. The Senator knows that we might just as well talk about organizing the wind as to talk about organizing the American farmers without legislation. That is all this bill does.

Mr. FESS. I know that some farmers have plenty of wind; but that does not mean, because they have, that there is no possibility of organizing them, any more than in the case of labor.

Mr. GOODING. That is all the farmer has. He has not anything left but wind. Everything else has been taken away from him.

Mr. FESS. Labor is highly organized, but when you take the fraction of organized labor in proportion to all the labor you find that there is a small fraction only that is organized, but the organization maintains a level; and if the farmers would organized they would not all have to be in the organization, any more than all of labor does, and it would greatly assist them. That is what I have been trying to do, and that is what the Senator from Idaho has been trying to do until the last two years.

Mr. GOODING. The Senator is entirely mistaken. Let me say to the Senator that the small fraction of labor that is organized has made it possible for labor to exist in America and get a fair return for its services.

Mr. FESS. True; and if the same proportion of the farmers would do likewise like results would follow.

Mr. GOODING. The Senator knows that that is impossible. With 6,500,000 farmers scattered throughout 48 States of the Union, organization is impossible.

Mr. FESS. Yes; and there are 20,000,000 laborers scattered throughout 48 States of the Union.

Mr. GOODING. Does the Senator know that labor organizations have gone on record for this bill, without an exception?

Mr. FESS. Some of the bankers have gone on record for the bill. I have seen bloc operation in this Chamber before, as I have seen it elsewhere; that is not bespeaking the best welfare of the American people.

Mr. GOODING. The facts are that where bankers have studied this problem and understand agricultural problems they have gone on record for the McNary-Haugen bill; and even

some of the great bankers of Wall Street have gone on record for it.

Mr. FESS. Yes; the bankers who have obligations due them from the farmers who have overborrowed and can not pay are as wild for this legislation as the Senator from Idaho is; and I understand why they would like to have the Government pull their chestnuts out of the fire.

Mr. McMASTER. And, Mr. President, the industries of the country, of which the distinguished Senator from Ohio is the spokesman, are just as bitterly opposed to the bill.

Mr. FESS. Not only the industries but a great number of farmers are bitterly opposed to this bill; and if the Senator would like to have me do so, I will read what the Ohio farmers want to do about this bill, and that does not extend to industry. That is limited to the farming element.

I want to say to my friend from South Dakota, so that I will not be misunderstood, that I do not allow my vote on this measure or on any other measure to be determined by anybody meeting back in Ohio and passing resolutions favoring or condemning a certain thing.

I believe that the people of my State have sent me here to study these problems, and I believe they want me to study them up one side and down the other and then vote, exercising the best judgment I have; and, whether they want me to do it or not, that is what I will do. I am not going to be in any way persuaded by the resolutions that have come in on this bill; but I say to my friend that the resolutions have all been against the bill, with one single fugitive exception.

Mr. STEWART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FESS. I yield to the Senator from Iowa.

Mr. STEWART. The Senator realizes that there is a great deal of difference between the ability of labor to organize and the ability of the farmer to organize, because the farmer is dependent not only upon his own will but upon seasonal conditions, drought, etc.

Mr. FESS. I recognize that it is much more difficult for the farmer to organize.

Mr. STEWART. Will the Senator yield for another question?

Mr. FESS. I yield.

Mr. STEWART. If the McNary-Haugen bill provided a subsidy, as the substitute bill does, I can understand how the Senator might object to permitting those in the industry to be regulated to have anything to say about the people who were to be on this board. Under the McNary-Haugen bill, however, the equalization fee is to be paid by the farmers themselves. Therefore, it seems to me that it is wise to let them have something to say about those who are on this board, because certainly they will not impose or put into operation the equalization fee unless it is absolutely necessary.

Mr. FESS. I will attend to the equalization fee when I get to it. Let me refer again to the attitude of the farmers' organizations back in Ohio.

Mr. STEWART. Will the Senator yield further? Is that the State where one of these so-called farm papers took one of these so-called straw votes or referendums, where they go around in the neighborhood and say to the farmer or to the housewife: "Well, now, you are not in favor of being taxed, are you?" and then they put down his answer, "No," and hand that in as a poll against the bill? I think Ohio is one of the States where a very extensive poll of that kind has been taken.

Mr. FESS. The Senator comes from a State that is full of vagaries, and that is one of the wildest that I have yet heard expressed from Iowa.

Mr. STEWART. I might say for the benefit of the Senator from Ohio that the same kind of a poll was taken in regard to whether or not there should be an adjusted compensation for the soldiers; and we had the same kind of a false, malicious result published to the people of the United States to prove to the people of the United States that the people did not want an adjusted compensation for the soldiers. We have seen enough of these polls that are taken by expert, paid propagandists, who go around and get the people to say what they want them to say; but when the farmers' organizations meet in their own halls and vote among themselves they have voted all over this country in favor of the McNary-Haugen bill and no substitute.

Mr. FESS. The Senator is speaking, I presume, from information he has gleaned. He has no right to speak for Ohio. Let me give him a bit of information that certainly will open his eyes. Here is the report of a meeting of the farm bureau, the organization of which the Senator evidently is a part in his own State. At that meeting there were 86 counties represented. There were 142 authorized delegates seated. They

took up the question of Muscle Shoals and passed a resolution favoring speedy disposition of it.

Then the following resolution was offered:

We favor legislation that will provide for handling of temporary surpluses as well as surpluses above home requirements, providing this can be done without encouraging overproduction.

It would be expected that that resolution would receive considerable approval, because, if that can be done, I do not see why it should not be done, if it could be confined to the farm-owned organizations, instead of calling upon the Federal Government to do it. Then the following resolution was introduced.

Mr. McMASTER. Was the resolution the Senator just read passed?

Mr. FESS. No; that resolution was defeated. Then this resolution was introduced:

Resolved, That by reason of the present acute depression in agriculture, we earnestly request the National Congress and the President to pass the McNary-Haugen bill now before Congress, that farmers may have the same degree of protection accorded other major industries of our country.

Mr. President, that resolution is the stock resolution that has come out of the conventions held in the Middle West and been sent to the various State legislatures and also to the various farm organizations. On that question a roll call was had, and in the roll call 16 delegates voted for the resolution and 116 voted against it. That was the Farm Bureau, a convention of chosen delegates representing 86 counties out of the 88 in Ohio. Yet I say that decision is not the thing that determines my vote here; but I do not want a man from Iowa to rise and say that Ohio is this or that when he does not know. I know what the State of Ohio believes about this sort of legislation.

Mr. STEWART. I hope the Senator does.

Mr. FESS. I have stacks of telegrams here, received in the last five days, every one of them protesting against this legislation. I am not voting against it because of that. I am voting against it because it is fundamentally, elementally wrong.

Mr. McMASTER. Mr. President, the reason the Senator has received those telegrams is because the industries of the country have inspired those telegrams. They knew that the Senator was going to speak in their behalf, and naturally every telegram he has received will be against the proposition.

Mr. FESS. Mr. President, the Senator from South Dakota can interpret the intelligence of his own agricultural section, but Ohio is an agricultural State, as much so as is South Dakota, and the intelligence there is not in any way persuaded or in any degree thrown off its feet by any sort of influence from bankers, or industrial establishments, or what not. The farmers of Ohio do their own thinking. At one time I represented a district of the State of Ohio in which were nine colleges, all existing, all in operation, and the level of intelligence in that district, as in others, will be indicated by the fact that there will be found on the farm the wife, who is the college-bred girl, and the husband, who is a college man. When the Senator says that the farm intelligence is such that the farmers do not do their own thinking, but are persuaded by industry, he does not speak from information.

Mr. McMASTER. The statement was not made by the Senator from South Dakota that the farmers did not do their own thinking. I said that the industries knew that the Senator from Ohio was here trying to defeat this McNary-Haugen bill, and naturally there would be a lot of telegrams, that had been inspired by industries, which would come to the Senator from Ohio. That was the statement that was made.

Mr. FESS. The Senator now repeats the same thing, that these telegrams do not mean anything, that they were inspired by the industries that are opposed to this legislation. These telegrams express the common judgment, which is common sense, of the farmers of Ohio, who are opposed to this legislation.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. The Senator from Ohio, in discussing the part of the pending bill which provides for the appointment of members of the farm board—

Mr. FESS. I passed over that.

Mr. ROBINSON of Arkansas. Just a moment; in discussing the section providing for the appointment of members of the farm board from lists of nominations made by the farm organizations, stated that there was no precedent for such legislation. There was protracted discussion of the subject. I think I ought to call the Senator's attention to the provisions of the trans-



portation act approved February 28, 1920, by which substantially the same limitation on the appointing power was imposed. The then President of the United States did approve that act. It is provided in section 304 of the transportation act, as follows:

There is hereby established a board, to be known as the "Railroad Labor Board," and to be composed of nine members as follows:

(1) Three members constituting the labor group, representing the employees and subordinate officials of the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by such employees in such manner as the commission shall by regulation prescribe;

(2) Three members, constituting the management group, representing the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by the carriers in such manner as the commission shall by regulation prescribe; and

(3) Three members, constituting the public group, representing the public, to be appointed directly by the President, by and with the advice and consent of the Senate.

My only purpose in interrupting the Senator at this time is to point out the fact that there is a very important precedent for this provision relating to the nomination of candidates for appointment on the proposed farm board by the farm organizations.

Mr. FESS. Mr. President, the Senator from Arkansas will recognize instantly that that was a form of arbitration, in which the three parties were represented, and it was so unsatisfactory that it ceased to exist last year.

Mr. ROBINSON of Arkansas. Mr. President, I am not discussing the merits of the legislation at this time at all.

Mr. FESS. And they had no authority to enforce their decisions.

Mr. ROBINSON of Arkansas. I am simply pointing out the fact that in the appointment of these officials whose offices were created by the transportation act there was a similar limitation on the Executive appointing power to that contained in the pending bill. Of course, the functions of the labor board were not identical with the functions of the proposed farm board, and they could not be. But the functions of the labor board affected the public quite as much as the functions of this farm board can affect the public, and in principle there is no difference. The Senator from Ohio was simply in error when he made the declaration that there was no precedent for such a limitation on the appointing power as is contained in the McNary-Haugen bill.

As to whether the President will approve or refuse to approve the act on that ground is a question on which I am not qualified to speak. The Senator from Ohio is undoubtedly better qualified to speak on that subject.

Mr. FESS. In answer to the dogmatic statement of the Senator from Arkansas—

Mr. ROBINSON of Arkansas. The Senator must not characterize my statement in that manner.

Mr. FESS. That that is on a parity with this, I say he is mistaken, because that is a form of arbitration, in which there are three—

Mr. ROBINSON of Arkansas. It was not arbitration. Just a moment.

Mr. FESS. I refuse to yield until I answer the Senator. The labor board was to deal with differences arising between employees and employers. There was nothing else to be considered by them outside of the differences which might arise, and in order to make sure of a square and fair arbitration there were to be three from the labor group, three from the managers, and three from the public, and if they were to express the views of the three of course it would be legitimate for those interests to select the representatives. But they never were given any power at all, as the Senator from Arkansas knows. All they could do was to collect the facts and then publish the facts to the world and allow public opinion to operate on them. There was no possibility of enforcing any finding the board should ever make—and the Senator knows that—because we were not in favor of compulsory arbitration. So that can not be held to be the same as this.

Mr. ROBINSON of Arkansas. Now does the Senator yield?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Mr. President, the Senator is entirely in error.

Mr. FESS. In what way?

Mr. ROBINSON of Arkansas. I am going to tell the Senator, if he will give me the privilege of doing so.

Mr. FESS. Very well.

Mr. ROBINSON of Arkansas. And I will make it so clear that even the Senator from Ohio can understand it.

Mr. FESS. It will be a fine manifestation of the ability of the Senator from Arkansas if he does.

Mr. ROBINSON of Arkansas. Yes; and it will be some evidence of the intelligence of the Senator from Ohio.

Mr. FESS. Sometimes, but not always, it is not a case of a poor teacher, but it is a case of a poor pupil.

Mr. ROBINSON of Arkansas. The Senator has said that the Railroad Labor Board was merely an arbitration tribunal. Even if that were true, it would not be in any sense or degree an answer to the assertion I have made that the manner in which members of the labor board were appointed constitutes a precedent for the legislation proposed in the McNary-Haugen bill with respect to the appointment of the members of the proposed farm board. But if the Senator will refresh his memory of the act to which I have referred, and for which he voted, the transportation act, containing this provision, he will find that it gave the President the power to make appointments of six of the nine members of the board from lists of nominations furnished him, three by the carriers and three by the employees. The labor board's functions scarcely began until efforts at mediation, conciliation, and arbitration had failed. The labor board was empowered to make decisions on almost every character of controversy that might arise between the railroads and their employees.

It is true that there was no provision placed in the act for the enforcement of the decisions of the board. It is true that the Congress relied on public opinion for securing the execution of the decisions. Nevertheless, the labor board did render decisions with respect to wages, salaries, and a large class of other disputes.

Without regard to the character of the functions which the board performed, the members of the board constituted public officials, whose offices were created by act of Congress, which act provided that they should be appointed by the President, by and with the advice and consent of the Senate, from nominations made in the manner I have already described.

I respectfully insist that this provision of the transportation act constitutes a literal precedent for the legislation that is proposed in this bill with respect to the appointment of members of the proposed farm board.

I think it is entirely true that if the President had refused to accept or recognize the limitations imposed in the transportation act, and had made his appointments without regard to the nominations, and the Senate had confirmed them, the Labor Board would still have been legally constituted, and I think it is also true that if the President should refuse to recognize the nominations made by the farm organizations, as proposed in this bill, and should appoint some one else who had not been nominated, and the Senate should confirm them, they would still legally be members of the farm board.

But the provision is directory, and in that sense mandatory, and there is just as much reason for accepting the recommendation of those who are directly concerned in agriculture in the appointment of members of the farm board as there could have been for accepting the recommendation of the employees and the recommendation of the managers in appointing members of the Railroad Labor Board.

Mr. FESS. Mr. President, for 40 years there has been a contest between labor and capital in our country, and in much of that time there has been a great desire to find some means by which adjustments could be reached. Some people have offered compulsory arbitration, and a good many people have worked for it. We in the legislative halls never thought that such a severe method should be resorted to. Others thought there ought to be industrial courts, so that either party could drag the other into court and compel them to abide by the decision of the court. We did not think that that was justified, and it was not even considered at all. There were others who believed that it ought to be left purely to mediation or arbitration without any particular legal enactment; but that has been tried for years.

I was a Member of the House of Representatives in 1920 and sat in on the work of the legislation of the transportation act of 1920. We put into that bill not the wording but the substance of a plank in a platform which had been adopted the same year or just prior thereto, in which the statement was made that there should be an agency with moral, but not legal, power of enforcement. In order to get that wording written into law, which was purely to represent the three fields or the three parties to the dispute—the employer, the employee, and the public—we provided in the transportation act for the Railroad Labor Board, and being an arbitral piece of legislation providing for arbitration, of course it was proper to consult the

parties who were to be represented by the board, and the fact that the parties did permit it and that we did not give the board power to enforce it, caused it to break down at once, as the Senator knows.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield at that point?

Mr. FESS. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The functions of the Railroad Labor Board, created under the transportation act, were in no sense arbitral. In every case in which they were entrusted with authority they were empowered to render decisions. By reference to the statute it will be seen that the Railroad Labor Board, in determining controversies with respect to wages, were required to take into consideration the scale of wages paid for similar kinds of work in other industries, the relation between wages and the cost of living, the hazard of employment, the training and skill required, the degree of responsibility, the character and regularity of the employment, the result of previous wage orders or adjustments, and so forth. The point is that it is utterly immaterial that the Railroad Labor Board may not have had authority to arrest or punish for contempt persons who disregarded their orders. The point is that the Railroad Labor Board were a constituted Federal authority, created by Federal statute, appointed by the President and confirmed by the Senate, and the President was directed to make his appointments from lists of names furnished him in the manner described. There is this distinction, that in the matter of the Railroad Labor Board neither the railroads nor the employees were permitted to nominate all of the members of the board. They did nominate two-thirds of the members, the other third being appointed by the President to represent the public. In the pending bill the overwhelming majority of the members of the board are to be appointed from nominations made by the farm organizations, but in principle there is no distinction.

Mr. FESS. However interesting this colloquy may be, we are not getting anywhere. We are just consuming time. I repeat that the labor board, created by the transportation act, had no authority whatever to enforce any of its findings. It was limited simply to collecting data, publishing its findings, and leaving the public to enforce them, with absolutely no authority whatever. If the board here provided is put upon a parity with that board, then I have not anything further to say.

Mr. McKELLAR. Mr. President, may I call the attention of the Senator to one other matter?

Mr. FESS. Let me go on, because I am detaining the Senate way beyond what I desired and, more than that, way beyond the patience of the Members to listen. I would like to talk while the Members of the Senate are here and not after they have all gone out.

On page 9 of the bill we have subsection (d), as follows:

(d) During such operations the board shall assist in removing or withholding or disposing of the surplus of the basic agricultural commodity by entering into agreements with cooperative associations engaged in handling the basic agricultural commodity, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing the basic agricultural commodity.

Mr. President, that goes to the core of the bill. It specifies how the surplus is to be handled. I would change the wording, because I would not use the word "assist." It is not the board that is assisting. It is the board that is doing this through its corporation. During such operation the board, through the corporation or cooperative associations, will handle the surplus, and that goes to the very heart of the bill. It differs from the bill suggested by the Senator from Kansas and the one which I introduced last session. Under the terms of the pending bill the board selected by the farm organizations and appointed by the President after they have selected them, and that board, through its corporation or its cooperative associations, handles the surplus.

Anyone who says that this is private enterprise overlooks the very meaning of the bill. If Senators will turn to the report, where the purpose of the bill is discussed, they will ascertain why the Government is doing it rather than having the cooperative associations or the corporation created under the bill do it. On page 9 of the majority report, under the head of "How the bill aids cooperatives," I want especially the Senators who have been misled to believe that the bill will aid the cooperatives to note the language:

If they attempt this—

That is, to handle the surplus—

the costs, losses, and risks of carry over and of selling exportable surpluses of certain crops at competitive prices outside the United States

must be borne by the members of the cooperatives, while the better prices will be shared equally by the outsiders who, on the other hand, escape the inconveniences of deferred settlement and, perhaps, actual losses.

That is quoted as demonstrating that the cooperatives themselves can not handle it. Then at the end of the paragraph in the last four lines is the following:

It takes 100 per cent cooperation to deal effectively with the surplus, and it is impossible to get such complete cooperation otherwise than through Government action. Honest, able, and sincere men with extraordinary ability have attempted it and have failed.

In other words, the bill requires Government action to handle the surplus, and I insist that we are making buying agencies and selling agencies out of the Government, doing a thing through its agents, and becoming responsible for what the agent does. One of my objections to the bill is that the cooperatives ought to be assisted by loans to the cooperatives, so that they can carry over the surplus, but be responsible for what is done. Here it is provided that the Government is made responsible for what is done, and that is the fundamental error in it.

Mr. GOODING. Mr. President—

Mr. FESS. I yield to the Senator from Idaho.

Mr. GOODING. But back of it all there is a guaranty fund known as the equalization fee, which the Government is not going to lose, and if there is a loss, the farmer takes it, while under the substitute bill if there is a loss the Government must accept it and absorb it.

Mr. FESS. I am not ready to discuss the equalization fee yet. The Senator will have enough of it when I get to it. I am not there yet.

I am calling attention now to the language on page 9 of the bill:

Such agreements may provide for, first, the payment out of the stabilization fund hereinafter established for the basic agricultural commodity, of the amount of losses, costs, and charges of any such association.

What association?

Corporation or person.

If it is wheat, it is the miller. If it is pork or swine, it is the packer. Who pays the losses? The stabilization fund will permit the Government to pay for losses. Who makes the losses? The packer who deals with the swine or the processing of the swine, the miller who deals with the flour from the wheat or the corn meal from the corn. Does he run any risk in the handling of the surplus? No. He is guaranteed that the losses made will be recouped by the stabilization fund written into the law. Who supplies the funds in the stabilization fund? The farm board. Out of what? The revolving fund loaned to the board, and then an equalization fee is levied upon every producer without his consent to pay, while the man who does the actual trading is free of any danger of loss.

When I say that the bill guarantees safety to the millers who handle the flour and the packers who handle the swine and put it into pork, when I say that they are guaranteed from any loss I am saying precisely what the committee proposes to write into law. I wonder whether the American people are ready to enter into such a contract as that?

Then we are told on page 10 of the report:

Any such agreement may further provide for the making of advances out of such stabilization fund to any such association or corporation for financing the purchase, storage, or sale, or other disposition of basic agricultural commodities in accordance with the agreement.

Mr. President, there is a feature of this bill to which I desire to call especial attention. While I believe Senators have examined it fairly closely, it seems to me it ought to be scrutinized even more closely. I say that there is an element of price-fixing in this bill. The proponents of the bill deny it. My friend from Idaho says that it is not price fixing, and the author of the bill stated the other day that it was not. I have read most carefully every word of the voluminous majority report, which is a rather elaborate history of the agricultural situation to-day—

Mr. GOODING. Mr. President—

Mr. FESS. I will ask the Senator to wait until I make this point. I wish to call attention to something which I should like to have my friend from Idaho explain.

Mr. GOODING. Inasmuch as the Senator has referred to me, I wanted to ask him, before he proceeds, a question concerning his statement as to price fixing. I want to call the Senator's attention to the fact that the bill fixes prices only in the same way that any industry fixes its prices, by controlling the market; that is, the supply going onto the market. That is what every great industry does and that is exactly what



this bill proposes to do—to put the surplus of the crop on the market as there is a demand for it, and in that way to stabilize the price. That is the way the steel industry markets its products. The American Woolen Co. advertises its prices sometimes a month ahead, before the market is opened up, when the company has the samples from which purchases can be made. That is all this bill proposes to do. It does not fix prices.

Mr. FESS. I beg pardon of the Senator if I do not reply to his suggestion just now because I have another thought in mind. When I shall have developed that, I will come to what he has said.

Mr. President, when these agreements between the board, which, in this instance, is the Government, and the packers, who are the processors, or the persons or the corporation with which the board is making its contracts, are entered into, the board can fix the price for which the commodity shall be sold. If it does, then the Government fixes that price; and if it does not, then the Government leaves it to the packer to determine what the price is; and the packer is under no danger or jeopardy of losing, whatever price may be fixed, because this bill guarantees against loss.

So under this bill the Government may fix the price at which the miller or the packer shall sell the surplus; and if it does so, then the Government is fixing prices. I oppose that, for if the Government of the United States ever goes into the business of fixing prices then prices will become an issue in every campaign; and whenever we start on a campaign where the producer wants a higher price for his wheat and the consumer wants a lower price and the question of price is injected into the campaign—and under this bill it will be, for the Government will fix the price—then, as there is one grower of wheat for, say, every six consumers of flour, the consumers will fix the wheat grower when that question becomes an issue.

Mr. GOODING. Mr. President, the Senator would be quite willing to permit the wheat growers to derive the benefit of the tariff duty of 42 cents a bushel on wheat, would he not?

Mr. FESS. Yes, sir; I voted for that rate of duty on wheat.

Mr. GOODING. The Senator knows the farmer does not get it, does he not?

Mr. FESS. If I believed he did not, I would vote against it, and the Senator from Idaho also should do so.

Mr. GOODING. The Senator knows that the farmer does not get it.

Mr. FESS. I do not know it.

Mr. GOODING. Of course, if the Senator knew anything about the world's price of wheat and the price of wheat at Winnipeg, he would know that the wheat growers get only about 12 cents out of the 42.

Mr. FESS. Let me ask the Senator a question. If he says the wheat grower does not get the benefit of the tariff duty, why does he vote for the tariff duty? Why does he not vote against it?

Mr. GOODING. The Senator knows that the tariff on wheat is like the old Schedule K, embracing the duties on wool. The woolgrowers never did get the benefit of the duty under old Schedule K until we wrote an honest schedule into the tariff act of 1922. The Senator knows that there is a duty on flour of \$1.06 a hundred and that while the people pay the full duty of 42 cents on wheat the farmers do not get it. The Senator knows that as well as I do.

Mr. FESS. Why did not the Senator vote against it, then? Why does he stand up here and indict the tariff and then vote for it?

Mr. GOODING. I am trying to get a measure passed that will give the benefit of the duty to the farmer and under which he will not be robbed by the miller. Now the miller takes it—and the Senator knows it—just as the manufacturer of wool took the benefit of the tariff from the woolgrowers for a quarter of a century. We heard Senators get up and admit on the floor that Schedule K was crooked after defending it for a quarter of a century.

Mr. FESS. There is no man in either body of Congress who has been more vociferous in demanding increases of the tariff on wheat and upon farm products than has the Senator from Idaho, and yet the same man arises here and says that the farmer gets no benefit from the tariff duties so levied; but he still persists in increasing them.

Mr. GOODING. I want the farmer to get the benefit, because it is written in the law that a rate of 42 cents shall be levied; and it is the duty of this administration to see that the farmer does get it; but the Senator from Ohio knows as well as I do, if he knows anything about the market for wheat in Winnipeg and in London, that the farmer does not get it; in fact, all the farmer has had since the present increase in the tariff

has been 13 cents a bushel out of the 42 cents, and that is only in the case of hard wheat—the dark northern wheat.

Mr. FESS. My friend is in the wrong camp. He ought to be with the free traders; he ought not to stand here—

Mr. GOODING. I am merely for an honest duty; that is all.

Mr. FESS. He ought not to stand here and speak of increasing the tariff and then say the tariff is no good.

Mr. GOODING. It is of no use when the farmer is robbed of it and it is taken away from him.

Mr. FESS. The Senator ought to be consistent.

Mr. GOODING. When the Government puts a tariff duty of \$1.06 a hundred on flour and 42 cents on a bushel of wheat, then the Government ought to see that the farmer shall get the full measure of that tariff duty. That is what this bill proposes to do, that is all; and that is all the farmer can get; nothing more and nothing less.

Mr. BRUCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FESS. I do not yield just now.

The VICE PRESIDENT. The Senator from Ohio declines to yield.

Mr. BRUCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FESS. Mr. President, Dr. Lyman Beecher—

Mr. BRUCE. I should merely like to ask, Mr. President, whether this is what is called "orderly marketing"? [Laughter.]

Mr. FESS. Mr. President, Dr. Lyman Beecher, the father of the most distinguished members of the Beecher family, once preached a sermon in Litchfield, Conn. He came in after that sermon, threw himself down on the settee, and said, "Well, if I do not feel different from what I now do, I will never preach another sermon in my life." Young Henry Ward Beecher, then 18 years old, said, "Father, I never before in my life heard you talk so loud." And Doctor Beecher rejoined, "That is the trouble, son, when I have not anything to say I make it up in noise." [Laughter.]

Mr. GOODING. The Senator has been doing very well himself, has he not? [Laughter.] Is the Senator willing to call it fifty-fifty? [Laughter.]

Mr. FESS. Mr. President, I always try to keep step with my company, so as not to be regarded as impolite or lacking in cordiality.

Mr. GOODING. The Senator is a little careless, sometimes.

Mr. FESS. But whenever a Senator on his own responsibility states, as the Senator has stated, that the farmer is getting no advantage of the tariff, and then persists in increasing the tariff, his consistency may be a jewel but it is difficult to find, and ought to be passed with as little notice as is possible.

I was stating that these agreements guaranteed the packer and the miller and the processor against losses. That is not an interpretation; that is not an inference; but it is in the bill. Not only that, but in the bill there is not only the element of price-fixing, but what is worse, for when the board makes an agreement with the packer the board may either say at what price the commodity shall be sold or may leave it to the packer in his own judgment as to determine what the price shall be, and in the latter case the packer may fix any price he chooses, for he is guaranteed against loss. He is paid out of the stabilization fee. I think that is a most serious situation. That is found on page 9, paragraph (e), of the bill, where it deals with profits and losses.

Paragraph (g) on page 10 provides:

If the board is of the opinion that there are two or more cooperative associations capable of carrying out any such agreement, the board in entering into such agreement shall not discriminate unreasonably against any such association in favor of any other such association.

The chairman of the committee in presenting the bill mentioned the recognition in the bill of the employment of cooperative associations. There is also another place in the bill where that is mentioned, and it is provided that there can be loans out of the fund for the assistance of the cooperatives. I want Senators to note what I am about to say, if I am wrong I shall be glad to be corrected; but I hold that this bill, instead of assisting the cooperatives will destroy them. The cooperative is a farm-owned corporation and what it does is the farmer's doing while the board is to be a Government instrumentality. The board may employ the farm cooperatives in this work, but note the language of the paragraph:

(g) If the board is of the opinion that there are two or more cooperative associations capable of carrying out any such agreement,

the board in entering into such agreement shall not discriminate unreasonably against any such association in favor of any other such association.

In the first place, the determination rests in the opinion of the board. There is nothing binding; there is no limitation as to what an opinion must be; absolute latitude is given. If the board should choose to employ a corporation other than a cooperative it is free to do it according to the bill.

More than that, the bill says, "two or more." The number of cooperatives is great. Whenever the board employs one cooperative the other cooperatives will go out of business, because no cooperatives can compete with one with which the Government is doing business and carrying the overhead.

Mr. WADSWORTH. And guaranteeing the losses.

Mr. FESS. And guaranteeing the losses; in other words, instead of this bill being an assistance to the present existing cooperatives it will destroy them. It not only says that the board may if, in its opinion, there are two or more cooperatives capable of carrying out an agreement, enter into such agreement, but it says the board shall not "discriminate unreasonably." What does the word "unreasonably" mean? Where is the gauge of its meaning? It is within the purview of the board itself. If the board should choose not to employ any cooperative or if it should choose to employ but one, every other cooperative would go out of business, because it could not compete.

My friend, the chairman of the committee, offered a very interesting suggestion as to the cooperatives. I think he is mistaken. I will refer to section 6.

Mr. COPELAND. On what page?

Mr. FESS. It is subsection (d) on page 9. The majority report, which I assume the chairman wrote, explains what the last three lines of section (d) on page 9 mean. I will read the whole section:

(d) During such operations the board shall assist in removing or withholding or disposing of the surplus of the basic agricultural commodity by entering into agreements with cooperative associations engaged in handling the basic agricultural commodity, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing the basic agricultural commodity.

On page 19 of the majority report the chairman of the committee explains what he means by dealing with a corporation created by the cooperative association. This is what he says:

This provision expressly authorizes agreements with a corporation created by one or more cooperative associations handling the commodity. Such a corporation would be controlled by cooperative associations doing 50 per cent or more of their business with members, but the corporation itself would be subject to no such restriction. It might and could enter the market and buy and sell regardless of the membership restriction.

If you will recall, the cooperative marketing law of 1922, known as the Volstead-Capper law, requires that at least 50 per cent of the business must be done with members. That law allows them to go out and deal with nonmembers upon a certain basis. When the chairman mentions cooperative associations, he mentions a law which says that they must deal to the extent of at least 50 per cent with members; but he says that if a cooperative association creates a corporation, the corporation created by it could deal extensively, without reference to this particular law.

I do not think that would follow at all; for if the cooperative association can not deal except under limitations, how can it create an agent that could deal beyond the way in which the principal could deal? That certainly is an error, and when we look into the law of principal and agent it will be obvious; and yet that seems to be the opinion of the Senator.

Mr. President, I have deferred dealing with the equalization fee. I have frankly said that if the equalization fee could be made operative under the Constitution, I should be inclined to look with favor upon that method of making up losses. In other words, it does seem to me that if there is any advantage to come from legislation, if there should be losses in attempting to get the advantage, the losses ought to be made up by the people who are to get the advantage.

If it could be done, that seems to be a proper course to pursue. There is, however, an objection to the equalization fee that I can not get over. I have read all of this report. This report says that the equalization fee is not a tax but is a charge for service, and that it is written not under the taxing power but under the power of regulation of interstate commerce, and then numerous far-fetched cases are used as illustrations. Not

a single one of the illustrations is pertinent or applicable to the statement of the general law.

Here is the situation: The board shall state where the equalization fee is to be charged. It may be on delivery. That is transportation. It may be on processing. That is when it goes to the miller or the packer. It may be on the sale. That is when it is transported. There can be but one equalization fee, however. If it is charged on transportation, the other two are excluded; if it is charged on one of the other two, then transportation is excluded; but it is a payment that is required by whom? By the board. When? Whenever the board sees fit. It is within the knowledge of the board as the board gets the information from the advisory councils. I think the advisory councils are a very important feature of the bill, because they gather the information as to the existence of a surplus; but the board lays the equalization fee, determined in its own judgment, at the place, at the time, and in the amount it fixes, and the man who pays it is not consulted. He does not vote on it. He has it exacted of him because he happens to be a producer of that particular product.

I say it is unworkable. I do not believe that by any process of law you can collect money from a person who refuses to go into an organization, but because he happens to be a producer you seek to collect from him willy-nilly. That is a tax just as much as a sales tax. It is an involuntary exaction and he has no say about it. I am just as certain that if payment of the fee is refused, and he is sued, as the law gives the board the power to do, and he carries the matter to the court, it never will pass the Supreme Court of the United States, because nobody can be denied without his agreement the power to contract in regard to something that is his unless it is under the power of eminent domain, and then he has to be paid a reasonable price for it.

When I ask why such a provision is put in, the answer comes, "If you do not do it, his losses will be a great deal more." Therefore it is said that that explains the justice of it; that the losses by virtue of not handling the surplus will be much greater than what he has to pay in the equalization fee.

There is another feature of the equalization fee upon which I wish to comment.

Mr. GOODING. Mr. President—

Mr. FESS. I yield.

Mr. GOODING. The Senator knows that the farmer must always be charged for marketing. He has to pay the cost of marketing. The farmer pays the freight. In this case he is simply paying the cost of the marketing through a board of his own selection; and the Senator knows full well that the board can not operate until a majority of the growers of cotton ask them to operate through their organizations and through their associations. The farmers are quite willing to take their chances with the Supreme Court; and the hope is that the Senator and all those who have any doubt in their minds in regard to that question will leave it to the Supreme Court.

Mr. FESS. Then the Senator would think that it is proper here, no matter whether the unconstitutionality of such a measure is obvious or not, just to act on it and let the Supreme Court deal with that question?

Mr. GOODING. Oh, no; not at all. The friends of this measure believe that it is constitutional and will be held constitutional, and that the President will sign it and will be glad to sign it. That is what the friends of this measure believe. The Senator from Ohio thinks differently, however. We will let the President decide for himself, and we will let the Supreme Court decide on the constitutionality of the law.

Mr. FESS. And upon that basis the Senator from Idaho always votes, whether a measure is glaringly unconstitutional or not?

Mr. GOODING. No; the Senator is not fair at all. That is not fair, and surely the Senator does not want to be unfair. I would not vote for this bill if I believed it was unconstitutional. I would not be a friend of agriculture if I did. I would be deceiving my own people. The Senator must not put me in that attitude.

Mr. FESS. Why does the Senator lecture me because I will not vote for a bill that I believe to be unconstitutional?

Mr. GOODING. I am not lecturing the Senator. I say, give the farmer the benefit of the doubt. I was not lecturing the Senator from Ohio. That is up to him and his own conscience.

Mr. FESS. My conscience is clear.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. LENROOT. The Senator has assumed in his argument that this fee is to be paid by the producer. Does the Senator find anything in the bill that so requires?



Mr. FESS. No; it is left to the board to determine.

Mr. LENROOT. Unless the producer is required to pay the fee, can the Senator find any possible ground upon which the fee could be exacted from anybody else under the Constitution?

Mr. FESS. I was just thinking, when the Senator from Idaho was relieving himself by saying to me that the farmer pays for his marketing and pays the freight, that no voice has been heard here more often in a militant tone against the farmer having to pay the freight than the voice of the Senator from Idaho.

Mr. GOODING. I have said that because the farmer paid an undue charge. He is paying more than his share of the freight bill.

Mr. FESS. What will he say when he is required to pay a thing and has not any right to say what it shall be?

Mr. GOODING. He has all the right.

Mr. FESS. How?

Mr. GOODING. Through an organization that he himself has created.

Mr. FESS. He has not anything to say about what the equalization fee is.

Mr. GOODING. He proposes to have his own agents to market his own products from the soil, and not turn them over to the Shylocks of America.

Mr. FESS. I am talking about the equalization fee.

Mr. GOODING. I am talking about the equalization fee, too.

Mr. FESS. How does the farmer have anything to say about the equalization fee?

Mr. GOODING. He says it through his agents that he has created, just the same as the board of directors of a corporation levy a tax or an assessment.

Mr. FESS. I see. The Senator means that the board is the farmer's agent, because he selects the board.

Mr. GOODING. To be sure.

Mr. FESS. Oh, I understand why the Senator does not want the President to appoint whomever he pleases, then.

Mr. GOODING. Did not the Senator know that?

Mr. FESS. The Senator wants the agricultural organizations to appoint the board so that the farmer will say what the equalization fee is, and if it is not paid, then the Government pays it.

Mr. GOODING. No; the Government does not pay it at all.

Mr. FESS. The Government must pay it.

Mr. GOODING. The Senator knows that the Government pays no part of it at all.

Mr. FESS. How will the packer and the miller be guaranteed against losses if there is not a fee out of which to pay them?

Mr. GOODING. That would come out of the farmer himself. The Senator knows that.

Mr. FESS. The Senator knows that there is no money here except the \$250,000,000 that is going to be gotten out of the Treasury of the United States. Out of that comes the stabilization fee. Out of the stabilization fee comes the recompense for losses.

Mr. GOODING. Oh, no; the Senator is entirely mistaken. The \$250,000,000 is merely loaned to cooperatives.

Mr. FESS. Suppose it is lost?

Mr. GOODING. Then that is where the equalization fee comes in.

Mr. FESS. Suppose it is not paid?

Mr. GOODING. The Senator knows that if it is lost the equalization fee takes care of it. The revolving fund is not there to take care of any losses, and the Senator knows that.

Mr. McMASTER. Mr. President, suppose your \$100,000,000 last year had been loaned to farmers and lost?

Mr. FESS. It would have been lost.

Mr. McMASTER. What is the difference?

Mr. GOODING. Suppose the \$250,000,000 in the bill that the Senator is now championing is lost. Where is there any fund to take care of it except that provided by the Government? This bill creates a fund to take care of the loss that the Senator is talking about.

Mr. FESS. Let the Senator from Idaho wait until I answer the Senator from South Dakota.

Mr. GOODING. Go on.

Mr. FESS. The Senator from South Dakota makes no distinction between a bill that guarantees against losses, like this bill, and one that simply provides for a loan to cooperatives.

Mr. McMASTER. But what is the difference in the loss, Mr. President, whether it is a loan or any other kind of a loss? It is a loss, is it not?

Mr. FESS. It is a loss.

Mr. McMASTER. Certainly it is. What is the difference whether it is a loss one way or the other? If you lose the money that is sound economics, apparently.

Mr. FESS. Mr. President, you have two places where you lose. First, you lose out of the \$250,000,000. Secondly, you pay

the losses out of the stabilization fee; and the losses out of the stabilization fee depend upon the payment of a very doubtful fee, known as the equalization fee, and if it is not paid your loss occurs at both ends.

Mr. McMASTER. The loss is a loss, then, whether it is under the Senator's bill or under any other bill. It does not make any difference what kind of a loss it is.

Mr. FESS. The Senator does not get anywhere with that kind of a statement. The bill I introduced provides for the loaning of money to cooperatives out of a revolving fund. I want the Senator to listen, because he has the level of intelligence to understand what I am saying. There was no guaranty of losses to the cooperatives, if they lost, while there is in the case of this measure.

Mr. McMASTER. But the loss would be the same. It does not make any difference whether you lose money one way or another, it is lost just the same.

Mr. HOWELL. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FESS. I yield.

Mr. HOWELL. What assurance was there, under the measure proposed by the Senator, that the money would be returned?

Mr. FESS. The same assurance that I would have if the Senator from Nebraska would borrow money from me—his ability and credit and good faith in the loan.

Mr. HOWELL. Would the security have been such as a banker would have accepted?

Mr. FESS. I did not make any provision as to security. The loan was not to be to farmers, the loan was not to be to ranchers; the loan was to be to corporations under farm organizations, cooperatives under the law which permitted cooperatives. If the cooperative had failed, we ran that risk just the same as the Senator would run the risk if I should borrow from him.

Mr. HOWELL. Did the Senator provide that the cooperatives should have capital before they could borrow?

Mr. FESS. No; for the reason that the cooperatives should not make money off the farmers whose product they handle.

Mr. HOWELL. Mr. President, is it not a fact that the Senator anticipates losses; and if the losses take place, they are to be the losses of the Government of the United States?

Mr. FESS. Mr. President, there is no way I know of by which to guarantee against a loss when the Government loans to anybody. But this bill goes beyond that. It provides not only for loans to the cooperatives or to the millers or to anyone who is doing the work, but it guarantees those agencies against any losses. There is a world of difference between that and what my bill provided.

Mr. NEELY. Mr. President, I send to the clerk's desk an amendment which I intend to propose at the appropriate time to the pending measure. I ask that it be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. CURTIS. Mr. President, will the Senator yield to me?

Mr. FESS. I yield to the Senator.

Mr. CURTIS. I want to know if the Senator expects to complete his speech to-night. We have an agreement for a recess from 5 o'clock until 8, and I would like to have a short executive session. So, if the Senator will yield now and proceed with his speech to-morrow, I would be glad to have him do so.

Mr. FESS. Mr. President, I have detained the Senate away beyond the time I had expected to talk, due entirely to the practice in the Senate of allowing any Senator to break in when another is discussing a subject. It is a practice we have entered upon here, and I yielded to interruptions because of that practice, and have no complaint. I have not been able to complete my address, but in view of the fact that we are approaching the time when we must take a recess I will desist. I may not take the floor to-morrow, but wait to hear what others may say.

#### EXECUTIVE SESSION—RECESS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and the hour of 5 o'clock having arrived, the Senate, under its order previously entered, took a recess until 8 o'clock p. m.

#### EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDENT pro tempore. The period of the recess having expired, under the unanimous-consent agreement pre-

vously entered into, the calendar is in order for the consideration of unobjected bills, beginning with Order of Business 1350. The clerk will proceed to call the calendar.

#### COMPENSATION OF UNITED STATES EMPLOYEES FOR INJURIES

The bill (H. R. 11325) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. ELLIS E. HARING AND EDWARD F. BATCHELOR

The bill (S. 4756) for the relief of Capt. Ellis E. Haring and Edward F. Batchelor was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States is authorized and directed to credit the account of Capt. Ellis E. Haring, United States Army, disbursing officer of the Office of Public Buildings and Grounds (now Office of Public Buildings and Public Parks of the National Capital), in the sum of \$163.62 disallowed upon vouchers Nos. 102, 27, and 117 during the fiscal year ended June 30, 1925, and to credit the account of Edward F. Batchelor, disbursing clerk of the Office of Public Buildings and Public Parks of the National Capital (formerly Office of the Superintendent, State, War, and Navy Department Buildings), in the sum of \$38.80 disallowed upon voucher No. 38, fourth quarter of the fiscal year ended June 30, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS JOHNSEN

Mr. SHORTRIDGE. Mr. President, may I ask the attention of Senators for a moment? I was not here the other evening when the calendar was called. There are two bills on page 13 of the calendar, Nos. 1336 and 1337, Senate bill 4719 and Senate bill 4964, to which I understand there is no objection from any quarter. May I ask unanimous consent to return to those bills for the moment?

The PRESIDENT pro tempore. Is there objection?

Mr. BRUCE. I think the Senator from Utah [Mr. KING] objected to the bills.

Mr. SHORTRIDGE. That is true, but I have conferred with the Senator from Utah, explaining the bills to him and he said he would have no further objection to their passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4719) for the relief of Thomas Johnsen, and it was read, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Thomas Johnsen shall be held and considered to have been honorably discharged as a private, Battery C, Third Artillery, United States Army, on September 13, 1900, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PRESIDIO MILITARY RESERVATION, SAN FRANCISCO

The bill (S. 4964) transferring a portion of the lands of the military reservation of the Presidio of San Francisco to the Department of the Treasury was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the following described lands forming a part of the military reservation of the Presidio of San Francisco, Calif., are hereby transferred to and placed under the jurisdiction and control of the Department of the Treasury for use for marine hospital purposes, and such lands shall no longer be held and considered a part of such military reservation, except that a strip of land lying north of the southern boundary of the reservation and west of a line through the center of Fifteenth Avenue extended, of which Lobos Creek shall be the median line, together with a 40-foot right of way as an exit from the military reservation of the Presidio of San Francisco to the boulevard lying between Thirteenth and Fourteenth Avenues, city of San Francisco, are reserved to the War Department:

Beginning at a concrete monument on the southern boundary of the Presidio Military Reservation, which monument is 396 feet south 76 degrees west from a point which is 151.14 feet north of the monument marking the west end of the course on the southern boundary of said reservation described in General Orders 189, War Department, 1907, as bearing south 76 degrees 20 minutes 40 seconds, west 110.96 chains; thence north 19 degrees 31 minutes, east 221.4 feet; thence north 27 degrees 26 minutes, east 174 feet; thence north 42 degrees 45 minutes,

east 69 feet; thence north 5 degrees 6 minutes, west 204.6 feet; thence north 10 degrees 12 minutes, east 170.5 feet; thence north 23 degrees 52 minutes, east 185 feet; thence north 70 degrees 7 minutes, west 308 feet; thence north 1 degree 38 minutes, east 225 feet; thence north 53 degrees 57 minutes, west 209 feet; thence south 81 degrees, west 264 feet; thence south 59 degrees, west 717.2 feet; thence in a southerly direction 1,030 feet, more or less, to the point of intersection of the west line of Sixteenth Avenue, San Francisco, Calif., and the southern boundary of the reservation of the Presidio of San Francisco, Calif.; thence in an easterly direction by courses and distances, following the southern boundary of said reservation, to the point or place of beginning.

*Provided further,* That whenever this property ceases to be used for marine hospital purposes, title to same shall revert to the War Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LESTER P. BARLOW

The bill (H. R. 10178) to confer authority on the Court of Claims to hear and determine the claim of Lester P. Barlow against the United States, was announced as next in order.

Mr. WALSH of Montana. Mr. President, I would like to inquire of the Senator from Colorado [Mr. MEANS], who reported the bill, whether there is not a general law taking care of these cases? I had occasion to look up the matter a short time ago and I think I found a general statute providing for actions of this character.

Mr. MEANS. Yes; and I do not know why the House continually sends bills of this character to us, but they do so and we pass on them in the committee here because they have passed through the House.

Mr. WALSH of Montana. Suppose we let the bill go over in order to see if it is not covered by a general law?

Mr. MEANS. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

CRANE CO.

The bill (H. R. 8345) for the relief of Crane Co. was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Crane Co. the sum of \$3,936.34 for material furnished in excess of the authorization in connection with the construction of Building C-3 at Fort Sill, Okla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT G. TUXHORN

The bill (H. R. 9287) for the relief of Albert G. Tuxhorn was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert G. Tuxhorn, the sum of \$2,500, in full for damages suffered by reason of being negligently shot and permanently injured while a student at the citizens' military training camp at Camp Custer, Mich., on August 11, 1924.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES C. HUGHES

The bill (H. R. 1464) for the relief of Charles C. Hughes was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to Charles C. Hughes the sum of \$709.86 on account of injury sustained by the said Charles C. Hughes when struck by a United States Army truck as he was crossing Sixty-second Street at Stony Island Avenue, in the city of Chicago, Ill., on the 6th day of December, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INTERNATIONAL TRADE EXHIBITION

The bill (H. R. 12931) to provide for maintaining, promoting, and advertising the International Trade Exhibition was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That for the purpose of providing the corporation known as the International Trade Exhibition with funds for use in maintaining, promoting, and advertising the permanent trade exposition at New Orleans, La., inaugurated on September 15, 1925, there is



hereby authorized to be appropriated a sum not in excess of \$150,000. Such sum when appropriated may be expended for such purposes by the corporation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NEW AMSTERDAM CASUALTY CO.

The bill (S. 1787) for the return of \$5,000 to the New Amsterdam Casualty Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 3, to strike out the words:

That the sum of \$5,000 be appropriated, out of any money in the Treasury not otherwise appropriated, or from such other source as may be by the Secretary of the Treasury be deemed proper, for the payment of said \$5,000 to the New Amsterdam Casualty Co.

And to insert in lieu thereof the words:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the New Amsterdam Casualty Co., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the New Amsterdam Casualty Co., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in adjustment of an equal amount heretofore received from said company in forfeiture of a bond guaranteeing the appearance in the United States District Court, Eastern District of New York, of one Antonio Cassese, who, after the forfeiture of said bond, was apprehended, tried, and convicted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 3436) for the relief of certain officers and former officers of the Army of the United States, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### RUSSELL W. SIMPSON

The bill (H. R. 6586) for the relief of Russell W. Simpson was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Russell W. Simpson, the sum of \$2,500, being the amount of damages suffered by him as the result of a collision caused by an Army Air Service airplane with an airplane piloted by the said Russell W. Simpson at Langin Field, Moundsville, W. Va., on or about October 2, 1924.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NEW BRAUNFELS BREWING CO.

The bill (H. R. 4719) for the relief of the New Braunfels Brewing Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the New Braunfels Brewing Co., of New Braunfels, Tex., the sum of \$8,179.58, in full settlement of their claims for damages caused when a United States Army airplane crashed into a building belonging to the New Braunfels Brewing Co. on or about November 10, 1920, said amount to be paid out of any funds not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MAURICE E. KINSEY

The bill (H. R. 7156) for the relief of Maurice E. Kinsey was considered as in Committee of the Whole and was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Maurice E. Kinsey the sum of \$5,000 in full compensation for injuries sustained in an accident in the elevator in the Federal building at Rochester, N. Y., on May 14, 1924, and for the expense of medical treatment thereby made necessary.

The bill was reported to the Senate without amendment, ordered to a third read, read the third time, and passed.

#### CLAIMS OF CERTAIN TELEPHONE COMPANIES

The bill (H. R. 12309) for the relief of the Bell Telephone Co. of Philadelphia, Pa., and the Illinois Bell Telephone Co. was considered as in the Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized to adjust and settle the claim of the Bell Telephone Co. of Philadelphia, Pa., for the expenses incurred in connection with the installation and removal of excess equipment at the navy yard and the headquarters, Fourth Naval District, Philadelphia, Pa., and the claim of the Illinois Bell Telephone Co. for labor and material in connection with the furnishing telephone service at the naval training station, Great Lakes, Ill., both claims having accrued during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM C. HARLEE

The bill (H. R. 10485) for the relief of William C. Harlee was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment on page 1, line 5, to strike out "\$1,125" and insert in lieu thereof "\$2,391.90," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,391.90 to William C. Harlee, on account of loss sustained by him when a fire destroyed his personal effects and household goods at the United States Army transport wharf, Seattle, Wash., May 7, 1906, while the said effects and goods were in the hands of the Federal Government in transit and upon the occasion of the transfer of the said William C. Harlee, then serving as first lieutenant of the United States Marine Corps under orders from marine barracks, Honolulu, Territory of Hawaii, to marine barracks, Mare Island, Calif.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### ROBERT H. LEYS

The bill (S. 3271) for the relief of Robert H. Leys was announced as next in order.

The PRESIDENT pro tempore. The bill was reported from the Committee on Claims adversely.

Mr. ROBINSON of Arkansas. In view of the adverse report of the Committee on Claims, I move the indefinite postponement of the bill.

The motion was agreed to.

#### STEAMSHIP "GAELIC PRINCE"

The bill (S. 118) for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the U. S. S. *Antigone* was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Gaelic Prince*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the said vessel and the U. S. S. *Antigone*, formerly known as steamship *Neckar*, on the 9th day of October, 1919, near buoy 10, in Ambrose Channel, in the harbor of New York, may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## MARTHA ELLEN RAPER

The bill (S. 4858) for the relief of Martha Ellen Raper was considered as in Committee on the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$5,000" and insert in lieu thereof "\$2,500," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay to Martha Ellen Raper, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 as reimbursement for the death of her husband, William Raper, who died from personal injuries resulting from the negligence of a United States railway mail clerk, while the said William Raper was engaged in carrying the United States mail at Bearden, Tenn., and said sum is hereby appropriated for this purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SAMUEL J. LEAPHART

The bill (S. 4841) for the relief of Samuel J. Leaphart was considered as in Committee on the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel J. Leaphart, United States marshal for the eastern district of South Carolina, out of any money in the Treasury not otherwise appropriated, the sum of \$90.94, representing payments made by him to a number of special deputies for traveling expenses, which payments were disallowed by the Comptroller General of the United States, but which were subsequently paid by Samuel J. Leaphart.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BOUNDARIES OF THE BLACK HILLS AND HARNEY FORESTS

The bill (H. R. 5991) authorizing the adjustment of the boundaries of the Black Hills and Harney Forests, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That any lands within 5 miles of the exterior boundaries of the Black Hills National or Harney National Forest not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered and title thereto accepted in exchange for national-forest land or timber in the Black Hills National or Harney National Forest, under and in accordance with the provisions of the act of March 20, 1922, Public 173, and the acts amendatory thereto. Lands conveyed to the United States under this act shall upon acceptance of title become parts of the adjacent national forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NORWEGIAN SAILING VESSEL "DERWENT"

The bill (H. R. 7973) to provide American registry for the Norwegian sailing vessel *Derwent* was announced as next in order.

Mr. FESS. Mr. President, in behalf of my colleague, the senior Senator from Ohio [Mr. WILLIS], who is absent temporarily, I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SMITH. Mr. President, I desire to make a statement to the Senator from Ohio. I talked to his colleague about the bill. He was on the committee; and I had hoped, as these parties are waiting for this action and it was just a small barge and the amount involved is only \$12,000, that it might be passed.

As will be seen from the report, the Department of Commerce recommended that the vessel be put under American registry. The Shipping Board took exception, because they said they thought the parties could have found a vessel of that kind to be sold by the Shipping Board. But these parties went, as they thought, to the proper officials at the customhouse and were told that as this barge was being used for local coastwise service the officials saw no reason why it should not be purchased and put under American registry. The money involved is only \$12,000. It will be noticed from the report that the Department of Commerce recommend that they be given registry. It is only a local affair right around the city of Charleston.

Mr. FESS. I know nothing about the merits of the case; but my colleague asked me to request that the bill go over and left a copy of the calendar on my desk with the bill marked for that purpose. In his behalf I shall have to ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

## H. W. KRUEGER AND H. J. SELMER

The bill (S. 4268) for the relief of H. W. Krueger and H. J. Selmer, bondsmen for the Green Bay Dry Dock Co., in their contract for the construction of certain steel barges and a dredge for the Government of the United States, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert in lieu thereof:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. W. Krueger, of Green Bay, Wis., the sum of \$6,385.01, and to H. J. Selmer, also of Green Bay, Wis., the sum of \$1,000, out of any moneys in the Treasury not otherwise appropriated, in full and final payment of the amounts which said H. W. Krueger and H. J. Selmer, as bondsmen for the Green Bay Dry Dock Co., expended in excess of their bonds, and for equipment furnished not otherwise called for by the contract between the Green Bay Dry Dock Co., and the United States for the construction of five steel barges and one dredge, these being the only bondsmen who made expenditure in connection with said contracts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LEHIGH COAL &amp; NAVIGATION CO.

The bill (H. R. 5866) for the relief of the Lehigh Coal & Navigation Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claim of the Lehigh Coal & Navigation Co., a corporation organized and existing under the laws of the State of Pennsylvania, and doing business in the city of Philadelphia, State of Pennsylvania, owner of the Lehigh Coal & Navigation Lighter No. 40, against the United States for damages alleged to have been caused by collision between the said lighter and the United States quarterboat *Chester*, in tow of the United States Army Engineer's tug *Philadelphia*, in the Schuylkill River, on the 11th day of March, 1920, may be sued for by the said Lehigh Coal & Navigation Co. in the District Court of the United States for the Eastern District of Pennsylvania, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Lehigh Coal & Navigation Co., or against the Lehigh Coal & Navigation Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. ROBINSON of Arkansas. Mr. President, there is a general law which authorizes suits for recovery in cases of this character. I think there should be an explanation of the reason why the beneficiaries have not proceeded to bring action.

Mr. REED of Pennsylvania. Mr. President, the bill provides for the bringing of a suit. It does not authorize an appropriation, but provides for the bringing of a suit to determine the liability.

Mr. ROBINSON of Arkansas. I presume there is some question of limitation involved which makes it necessary to have the authority granted.

Mr. REED of Pennsylvania. Probably that is so. I am not sure.

Mr. ROBINSON of Arkansas. I see by the report that Congress passed a general law on March 3, 1925, authorizing suits in admiralty against the United States for damages caused by and salvage services rendered to vessels belonging to the United States, and that this action could not be brought by reason of the time when the cause accrued.

Mr. REED of Pennsylvania. I think that is true. The general law was passed one month after the particular accident which gave rise to the bill.

Mr. ROBINSON of Arkansas. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RELIEF OF CERTAIN ARMY OFFICERS

Mr. MEANS. Mr. President, I was called out a few moments ago when Calendar No. 1359, the bill (H. R. 3436) for the relief of certain officers and former officers of the Army of the United States, and for other purposes, was called and



some objection was made to it. May I have the privilege of explaining the provisions of the bill and what we have done?

Mr. REED of Pennsylvania. It was I who objected to the bill and I did so because of the amendment which does not seem to relate to officers of the Army.

Mr. MEANS. I want to explain the measure. It is an omnibus bill reported out by the War Claims Committee of the House, containing the adjustment of accounts of certain Army officers during the last war, and is recommended by the War Department and by the Accounting Office. It came to our committee. Our experience upon the committee is that we have passed in the Senate, two, three, and four different times, bills which pertain to the time of the Civil War, to which there is no objection, right and justice being on the side of those claims, but they can receive no consideration from the War Claims Committee in the House. Therefore, the Committee on Claims of the Senate decided to amend this bill by adding thereto in the way of amendments only bills which have passed the Senate on prior occasions at least twice and sometimes three and four times. I refer to one of them in particular, for instance, to which the Senator from Virginia [Mr. GLASS] just called my attention. We added that one because of the apparent merit of the claim.

Owing to the fact that they are Civil War claims and of the period 1861 to 1865 and mostly referred to the South, the House seems to have adopted a rule or to have a mutual understanding to the effect that the House will not pass such bills. All the claims are meritorious. The Committee on Claims desired to add and did add to the bill amendments covering those particular claims which have been thoroughly examined by the Committee on Claims on at least two prior occasions, and bills covering which claims have passed the Senate. That is the only way we can get them into conference and have an understanding between the Claims Committee of the Senate and the War Claims Committee of the House.

Therefore, we have added the amendments and would like to see them adopted and the bill passed. There is no objection to the bill in the House at all. It is entirely a matter of amendment, but the amendments added thereto are necessary if the Senate is to have any action on bills which have heretofore passed the Senate.

Mr. GLASS. Mr. President, I should like to add that the bill just now referred to by the Senator from Colorado has passed this body four times. On the last occasion it passed by unanimous consent after a thorough explanation of it. Other bills on the calendar have no doubt shared the same sort of treatment.

Mr. ROBINSON of Arkansas. Mr. President, I suggest to the Senator from Colorado that after his explanation, perhaps the Senator from Pennsylvania [Mr. REED] would be pleased to permit the Senate to consider the bill.

Mr. REED of Pennsylvania. Mr. President, I do not object at all to the consideration of the bill for the time being, but it occurred to me that to pass appropriations aggregating about \$600,000 as amendments to the entirely meritorious House bill ought not to be done without explanation. For instance, there is an appropriation carried in the bill for the State of Massachusetts for \$233,000. Something ought to be said in the Senate to explain that. The item is put in without anything to indicate why we should appropriate that much money.

Mr. MEANS. Mr. President, may I interject to say that that item and every other item placed on this bill by way of amendment have passed the Senate at this session, so that the Senate has already acted upon these proposals and they have already been passed.

Mr. REED of Pennsylvania. This item does not refer to any particular bill. Section 19 of the proposed act simply authorizes the Secretary of the Treasury to pay \$233,000 to the State of Massachusetts.

Mr. MEANS. That item was contained in a bill which passed the Senate in the form of an individual measure at this session prior to this time, and we merely add it as an amendment to this bill.

Mr. REED of Pennsylvania. If that is the case, I have no objection, but I thought we were entitled to some explanation.

Mr. MEANS. That is what I tried to explain. I will answer any questions. I am not trying "to put over anything" at all. The Senate, I repeat, has already passed all of these items in the form of separate bills. I am merely trying to get them into conference so that we can have some action upon the bills which Senators have heretofore introduced and which have been passed.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The first amendment was, on page 8, line 5, after the words "sum of" to strike out "\$4,153.32" and insert "\$4,727.57," so as to read:

(19) Capt. Talmage Phillips, Quartermaster Corps, the sum of \$4,727.57, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen at Gatun, Panama Canal Zone.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to insert a new section, as follows:

SEC. 11. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay, and of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of \$8,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert as a new section the following:

SEC. 12. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,666.67 to Wynona A. Dixon.

The amendment was agreed to.

The next amendment was, on the same page, after line 6, to insert:

SEC. 13. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sargeant Prentiss Knut, administrator de bonis non cum testamento annexo of the estate of Haller Nutt, late of Natchez, Miss., out of any money in the Treasury not otherwise appropriated, the sum of \$131,328.

The amendment was agreed to.

The next amendment was, on the same page, after line 12, to insert:

SEC. 14. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Henry H. Sibley, deceased, the sum of \$101,242.50, in full settlement of his claim against the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent.

The amendment was agreed to.

The next amendment was, on the same page, after line 18, to insert:

SEC. 15. That the claim of the legal representatives of the estate of Alphonse Desmare, deceased, and the claim of the legal representative of the estate of Cyprian Dupre, deceased, surviving partner of the late firm of Desmare & Dupre, for the net proceeds of cotton purchased or owned by them, taken by the United States officers, sold, and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L., p. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. L., p. 376), and all other nonintercourse laws, or section 179, Judicial Code, to the contrary notwithstanding, and report to Congress.

The amendment was agreed to.

The next amendment was, on page 13, after line 7, to insert:

SEC. 16. That the claim of Louise Saint Gez, executrix of Auguste Ferre, deceased, surviving partner of the late firm of Lapene and Ferre, for the net proceeds of the cotton purchased or owned by them, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L., p. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. L., p. 376), and all other nonintercourse laws, or section 179, Judicial Code, to the contrary notwithstanding, and report to Congress.

The amendment was agreed to.

The next amendment was, on page 13, after the line 20, to insert:

SEC. 17. That the claim of the legal representatives of Robert Dillon, deceased, for the net proceeds of the cotton purchased, or turned over to him, or owned by him, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury be, and the same is hereby, referred to the Court of Claims of the United States for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L., p. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. L., p. 376), and all other nonintercourse laws, or section 179,

Judicial Code, to the contrary notwithstanding, and report to Congress: *Provided*, That the sum so paid shall be in full settlement of all claims and demands whatsoever growing out of any judgment so rendered in said claim of Robert Dillon, deceased, and in full of all claims, and demands whatsoever growing out of said transaction, and that no interest shall be paid thereon.

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to insert:

Sec. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of \$34,161.63.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to insert:

Sec. 19. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Governor of the State of Massachusetts, or his duly authorized agent, the sum of \$233,885.82, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

Sec. 20. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward I. Gallagher, administrator of the estate of Charles Gallagher, deceased, of New York, the sum of \$23,387.03.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

Sec. 21. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Baltimore, State of Maryland, out of any money in the Treasury not otherwise appropriated, the sum of \$173,073.60.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CAPT. C. R. INSLEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10725) for the relief of Capt. C. R. Insley. It purposes to pay to Capt. C. R. Insley, Finance Department, United States Army, such amount as he may have refunded to the United States on account of loss of public funds amounting to \$535.54, for which he is responsible, and which represents checks lost in the mails on or about August 18, 1924, under circumstances which rendered it impossible to secure duplicates, and that he be relieved from further responsibility therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PRACTICE OF PHARMACY IN THE DISTRICT OF COLUMBIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4474) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended, which had been reported from the Committee on the District of Columbia with amendments.

Mr. ROBINSON of Arkansas. Mr. President, this bill appears to be of considerable importance, and I note that one lengthy amendment has been reported by the committee. I think the Senator in charge of the bill should make a brief explanation of it.

Mr. CAPPER. Mr. President, the bill is in line with the pharmacy acts of the different States, is designed to put the District of Columbia in this respect on a parity with the States. It requires that in the future, when this act shall go into operation—and it is not to be effective for one year—persons seeking a license shall be graduates of an accredited pharmacy school and have had three years' practical experience.

Mr. ROBINSON of Arkansas. May I ask the Senator a question?

Mr. CAPPER. Yes.

Mr. ROBINSON of Arkansas. Is there any statute now regulating the practice of pharmacy and the sale of poisons in the District of Columbia?

Mr. CAPPER. There is one that has been in effect for about 20 years. I think it is very generally admitted that it is out of date, and there is no objection from any source to this measure as now reported by the committee. It has the hearty approval of the District Commissioners, of the Citizens' Advisory Council, and not an objection to its enactment came

from any pharmacist or anyone seeking to become a pharmacist in the District of Columbia.

Mr. ROBINSON of Arkansas. Very well.

The first amendment of the Committee on the District of Columbia was, on page 1, at the beginning of the line 7, to insert "Sec. 2," so as to read:

Sec. 2. Strike out all of section 3 of said act and insert in lieu thereof the following to be known as section 3.

The amendment was agreed to.

The next amendment was, on page 3, at the beginning of line 7, to insert the words "Sec. 3"; in line 11, after the word "whose," to insert the words "license or"; in line 14, after the word "such," to insert the words "license or"; in line 16, after the word "such," to insert the words "license or"; in line 19, after the word "every," to insert the words "license or," so as to make the clause read:

Sec. 3. Strike out all of section 7 of said act and insert in lieu thereof the following, to be known as section 7:

"Sec. 7. That in the month of November of each year every licensed pharmacist and every licensed dealer in poisons for use in the arts or as insecticides, whose license or permit has been issued not less than three years prior to the first day of such month, shall apply to the board of pharmacy for the renewal of such license or permit. And said board is hereby authorized, upon the payment of such fees as are hereinafter provided, to renew such license or permit in the month of November for a period of three years from the 31st day of October immediately preceding the date thereof. And every license or permit not renewed within the month of November as aforesaid shall be void and of no effect unless and until renewed."

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

In the event the board shall fail or refuse to renew any license or permit within the month of November, for which application has been made, it shall make written record of the reasons for such nonrenewal. Upon request of the person seeking renewal of his license or permit, the board shall grant a hearing, and the applicant shall have the right to be represented by counsel, introduce evidence, and examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oaths.

The said board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The chairman and the secretary of the board shall have power to issue subpoenas, and upon the failure of any person to attend as a witness when duly subpoenaed or to produce documents when duly directed by said board, the board shall have power to refer the said matter to any justice of the Supreme Court of the District of Columbia, who may order the attendance of such witness or the production of such books and papers or require the said witness to testify, as the case may be; and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court.

The board shall make a written report of its findings after such hearing, which report, with a transcript of the entire record of the proceedings, shall be filed with the Commissioners of the District of Columbia, and, if the board's finding shall be adverse to the person seeking reissuance of his license or permit, such license or permit shall stand revoked and annulled at the expiration of 30 days from the filing of such report, unless within said period of 30 days a writ of error shall be issued as hereinafter provided, in which event said license or permit shall stand suspended until the final determination of the court of appeals upon such writ of error. If an exception is taken to any ruling of the board on matter of law, the exception shall be reduced to writing and stated in the bill of exceptions with so much of the evidence as may be material to the question or questions raised, and such bill of exceptions shall be settled by the board and signed by the secretary within such time as the rules of the board may prescribe.

Any party aggrieved by the decision of the said board may seek a review thereof in the Court of Appeals of the District of Columbia by petition under oath setting forth concisely, but clearly and distinctly, the nature of the proceeding before said board, the trial and determination thereof, and the particular ruling upon matter of law to which exception has been taken, said petition to be presented to any justice of the Court of Appeals within 30 days after the filing of the report of said board with the commissioners, with such notice to the board as may be required by the rules of the Court of Appeals. If the justices shall be of the opinion that the action of the board ought to be reviewed, a writ of error shall be issued from the Court of Appeals, within such time as may be prescribed by that court, a transcript of the record in the case sought to be reviewed, and the Court of Appeals shall review said record and affirm, reverse, or modify the judgment in accordance with law.

The amendment was agreed to.



The next amendment was, on page 6, at the beginning of line 19, before the word "Strike," to insert "Sec. 4," so as to read:

SEC. 4. Strike out all of section 10 of said act and insert in lieu thereof the following, to be known as section 10.

The amendment was agreed to.

The next amendment was, on page 7, after line 16, to insert:

SEC. 5. This act shall take effect one year after the date of its approval.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### ADMINISTRATIVE EXPENSE OF FEDERAL WATER POWER ACT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5362) to amend the Federal water power act, and for other purposes, which had been reported from the Committee on Commerce with an amendment.

Mr. McKELLAR. Mr. President, I offer an amendment.

The PRESIDENT pro tempore. The committee amendment will be first considered.

The amendment of the committee was, on page 3, line 16, after the word "appropriated," to insert the words "by Congress."

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Tennessee will now be stated.

The CHIEF CLERK. At the bottom of page 3 it is proposed to insert the following:

That the act of Congress approved June 10, 1920, creating the Federal Water Power Commission, providing for the improvement of navigation, the development of water power, and the use of the public lands in relation thereto, shall not be construed or interpreted to authorize and empower the Federal Power Commission to grant permits or authorize any person or corporation to survey the banks, shores, or soils of nonnavigable streams for the purpose of constructing dams and reservoirs on such streams, otherwise than upon the public lands of the United States, or to grant licenses to construct dams, reservoirs, or other improvements, to develop water powers and use the banks, soils, and waters of said stream for private purposes and in any way violate the sovereignty and property rights of the State within which the stream is situated and the right of riparian proprietors.

SEC. 2. That the jurisdiction and power of the Federal Power Commission and other commissions, agencies, officers, and agents of the United States to authorize the construction of dams in and upon streams and develop the water powers of streams, shall be and is confined to navigable streams, other than on the public lands, and navigable streams upon which the Congress has the power to regulate commerce and improve for navigation and transportation of commerce, which are defined and declared to be streams and waters that are navigable in fact and used or are susceptible of being used in their ordinary condition for navigation and as highways for commerce.

SEC. 3. That so much of the act creating the Water Power Commission and of all other acts in conflict with this act are hereby repealed.

Mr. McKELLAR. Mr. President, I desire to explain the amendment very briefly. I can not better explain it than by stating the conditions which I find in my own State. We have a number of navigable rivers in Tennessee and a large number of nonnavigable streams, streams over which no boat ever travels and over which no boat ever will travel; yet, under the existing act the Federal Water Power Commission assumes the right to grant permits on those nonnavigable streams. The remarkable situation developed not long ago that a water-power company already in existence in my State, having a large plant on a nonnavigable stream and desiring to build a second plant, bought the land which the dam would cover, made all of its preparations to develop that dam, and obtained a permit from the State utilities commission. It did not, however, apply to the Federal Water Power Commission, with the result that its proceedings were all stopped, the Water Power Commission held hearings, and is now undertaking, as I understand the present situation, to give, under the act, to another company a three-year license to develop this water power on a nonnavigable stream, and with the power of condemnation of the lands that had already been bought by a water-power company which is doing a splendid business there. That is merely an illustration. I might say that it never was intended, as I believe, by our Constitution that the Federal Government should have jurisdiction over nonnavigable streams.

Mr. WALSH of Montana. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. Why does not the company which acquired the prior right and which insists that the stream is nonnavigable and, therefore, that the Federal Water Power Commission has no jurisdiction over it, as we all understand the act, institute proceedings to enjoin, and thus have the question determined.

Mr. McKELLAR. That course was suggested, as I understand, and at one time agreed upon, but—

Mr. WALSH of Montana. Why was that not done?

Mr. McKELLAR. I will give the reason to the Senator. When the company proposed to sell its bonds based upon its own property in view of this assertion of power in the Federal Water Power Commission they could not sell the bonds, and, therefore, could not secure the money with which to complete the building of the dam.

Mr. WALSH of Montana. I apprehend that the real controversy is over the question as to whether the stream is a navigable stream or a nonnavigable stream—

Mr. McKELLAR. No, sir.

Mr. WALSH of Montana. And the amendment offered by the Senator will not grant any relief, because, if it is a nonnavigable stream, I never heard anybody question the sole right of the State to grant the right to dam such streams.

Mr. McKELLAR. The Federal Water Power Commission does assert the right, and claims, however remote, however small, and however completely within one State the stream may be, that because its water finally flows into a navigable stream it has jurisdiction to grant licenses, not for any navigation purpose, not for any interstate commerce purpose, but for the purpose of developing water power.

The PRESIDENT pro tempore. The time of the Senator from Tennessee has expired under the unanimous consent agreement.

Mr. JONES of Washington. Mr. President, I hope that the Senator from Tennessee will not insist upon his amendment to this bill. As I heard the amendment read, it involves a very important proposition over which, I think, there is very sharp difference of opinion, and it ought to be treated as a separate measure. I should like to see the bill pass without the amendment. Let me explain briefly what the purpose of the bill is.

Under the water power act the permittees and developers of power are required to pay a fee that is estimated to be sufficient to take care of the expense of administering the act, so that under the water power act the Government is not supposed to be put to any expense at all. The act also provides that it shall be administered, until we otherwise provide, by details from the other departments—the Department of War, the Department of the Interior, and the Department of Agriculture. Since the act was passed over 700 applications for power permits have been presented. Many of those applications have been disposed of, but something over 200, involving 24,000,000 horsepower, have remained for final adjustment.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES of Washington. Will not the Senator first let me explain the purpose of the bill?

Mr. McKELLAR. Very well.

Mr. JONES of Washington. There are about 136 important applications pending, involving about 14,000,000 horsepower. The commission is from four to five years behind in adjusting the cases before it. The fees and the expenses of the details, and so forth, amount to about \$160,000 a year. The fees paid in by these licensees yield about \$230,000 a year.

The sole purpose of this bill is to take those fees and put them into a special fund, and the bill authorizes the appropriation from that fund by Congress from time to time to provide the additional force to administer the act. It does not involve a single cent of expenditure on the part of the Government. It simply takes the money which the original act provided the permittees should pay and makes it available for the purpose intended. Unless we do something of this kind the permittees are apt to come here by and by and say, "you are collecting too much money. Under the act there was only authorized to be collected enough to pay the administration of the act, and yet you are accumulating from \$60,000 to \$75,000 a year more than is expended." This additional force is absolutely necessary to bring about prompt action upon these permits. That is the sole purpose of the bill; and, without expressing any opinion as to the merits of the amendment of the Senator from Tennessee—and I think I appreciate the importance of it to him—I do hope that he will not complicate this bill with an amendment of that kind.

Mr. McKELLAR. I offered it to another bill not long ago, and the Senator then took the same position that he takes now; so, under those circumstances, I will just ask that the bill go over.

Mr. JONES of Washington. I am very sorry indeed that it has to go over.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

Mr. JONES of Washington subsequently said: Mr. President, with reference to the bill that went over a moment ago, I feel that we can safely let that amendment go on the bill. It will have to pass the House and pass the scrutiny of the committee. We have not had an opportunity to examine it fully, and I will say—

Mr. ASHURST. I call for the regular order.

Mr. LENROOT. Mr. President, that matter was considered for years before the water power act was passed. I could not consent to the change in definition now, under these circumstances, and I should have to object.

Mr. JONES of Washington. I do not understand that it makes any difference in the definition.

Mr. McKELLAR. I shall be glad to show the Senator—

Mr. LENROOT. I certainly would not want to pass on that on the spur of the moment.

Mr. FLETCHER. I believe myself that the law now does precisely what the amendment of the Senator from Tennessee provides.

Mr. LENROOT. If so, it seems to me it should be tested and tried out in court rather than to make a change in language under these circumstances.

The PRESIDENT pro tempore. Objection being made, the Secretary will state the next bill on the calendar.

#### LOAD LINES FOR AMERICAN VESSELS

The bill (S. 5463) providing for the consolidation of the functions of the Department of Commerce relating to navigation, to establish load lines for American vessels, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That load lines are hereby established for the following vessels:

SUBSEC. 1 (a) Cargo-carrying vessels of 250 gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a foreign voyage by sea.

(b) Cargo-carrying vessels of the United States of 250 gross tons or over, loading at or proceeding to sea from any foreign port or place for a voyage by sea.

SUBSEC. 2. The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in subsection 1 (a) and (b) of this section to establish by regulations from time to time in general accordance with the practice of the principal maritime nations the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded: *Provided*, That no load line shall be established or marked on any vessel, which load line, in the judgment of the Secretary of Commerce, is above the actual line of safety. Such regulations shall have the force of law.

SUBSEC. 3. It shall be the duty of the owner and of the master of every vessel subject to this section and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder: *Provided, however*, That, at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this section and to said regulations to depart from any port or place designated in subsection (1) of this section without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

SUBSEC. 4. It shall be unlawful for any vessel subject to this section and to the regulations established thereunder to be so loaded as to submerge in salt water the load line or lines marked pursuant to this act and to the regulations established thereunder applicable to her voyage; or so as to submerge under like conditions the point where

such load line or lines ought to be marked pursuant to the provisions of this act and of the regulations established thereunder; or so as in any manner to violate the said regulations.

SUBSEC. 5. Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this act, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this section, except as hereinafter provided: *Provided*, That this subsection shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

SUBSEC. 6. It shall be the duty of the master of every vessel subject to this section and to the regulations established thereunder and of every foreign vessel exempted pursuant to subsection 5 of this section, before departing from her loading port or place for a voyage by sea, to enter in the official log book of such vessel a statement of the position of the load-line mark applicable to the voyage in question with reference to the actual water line at the time of departing from port as nearly as the same can be ascertained.

SUBSEC. 7. If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this section and to the regulations established thereunder is about to proceed to sea from a port in the United States or its possessions within his district when loaded in violation of subsection 4 of this section, or that any vessel exempted pursuant to subsection 5 of this section is about to proceed to sea from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may by written order served on the master or officer in charge of such vessel detain her provisionally for the purpose of being surveyed. The collector shall then serve on the master a written statement of the grounds of her detention and shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him, whereupon the said collector may release or may by written order served on the master or officer in charge of such vessel detain the vessel until she has been reloaded in whole or in part so as to conform to subsection 4 of this section; or, in case of a vessel exempted pursuant to subsection 5 of this section, so as to conform to the laws and regulations of her own country with respect to load line. If the vessel be ordered detained, the master may, within five days, appeal to the Secretary of Commerce, who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained.

SUBSEC. 8. (a) If the owner or master of any vessel subject to this section and to the regulations established thereunder shall permit her to depart from her loading port or place without having complied with the provisions of subsection 3 of this section, he shall for each offense be liable to the United States in a penalty of \$500. If the owner or master of any vessel exempted pursuant to subsection 5 of this section shall permit her to depart from her loading port or place without having the load line or lines required by the laws and regulations of the country to whom she belongs marked upon her as required by said laws and regulations, he shall for each offense be liable to the United States in a penalty of \$500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph, or discontinue prosecution therefor on such terms as he may deem proper.

(b) If the master of any vessel subject to this section and to the regulations established thereunder, or of any foreign vessel exempted pursuant to subsection 5 of this section, shall fail, before departing from her loading port or place, to enter in the official log book of such vessel the statement required by subsection 6 of this section, he shall for each offense be liable to the United States in a penalty of \$100. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this section and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loading in violation of subsection 4 of this section; or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to subsection 5 of this section to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be guilty of a misdemeanor, unless her going to sea in such condition was, under the circumstances, reasonable and justifiable, and shall be punished by a fine not to exceed \$500.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to subsection 7 of this section, he shall, in respect of each offense, be guilty of a misdemeanor and



shall be punished by a fine not to exceed \$500 or by imprisonment not to exceed three months, or both such fine and imprisonment, in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this section or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000, or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this section, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found.

SUBSEC. 9. This section shall take effect one year after the date of the approval of this act or at such earlier time as the Secretary of Commerce may fix.

Mr. ROBINSON of Arkansas. Mr. President, I inquire of the Senator from Washington [Mr. JONES] what are the purposes of this bill.

Mr. JONES of Washington. Let me say that I overlooked the title when I reintroduced the bill. The bill was introduced covering everything that the title here designates. The committee decided, however, that they would simply deal with the load-line question, and we cut out everything else, and ordered that reported. I was asked to introduce a new bill covering that feature, and I forgot to amend the title. In the report we recommend the amendment of the title so that it will read: "An act to establish load lines for American vessels in the foreign trade, and for other purposes."

The bill simply provides for the establishment of a load line for vessels of 250 tons and upward engaged in the foreign trade only. We are confronted with this situation: We have no laws relating to load lines. There are other nations that have. For instance, Great Britain has a law requiring load lines. The British have threatened for four or five years to require our vessels to comply with their law, and have threatened to refuse entrance into their ports of our vessels unless we do it; but this bill has been pending for three or four years, and on the representation of the Department of Commerce that we would take action they have withheld action. This bill is primarily to meet that particular situation. It is to give us load lines for our vessels in the foreign trade, so that we will meet the requirements of these other laws. I think it will be a very serious matter unless we take action at some time during the session.

Mr. FLETCHER. Mr. President, I understand that this bill applies only to vessels in foreign commerce and not to vessels in coastwise commerce.

Mr. JONES of Washington. It applies only to vessels engaged in foreign trade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An act to establish load lines for American vessels in the foreign trade, and for other purposes."

#### LANDS IN WASHINGTON

The bill (H. R. 12064) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LANDS IN COLORADO

The bill (S. 4069) to authorize the Secretary of the Interior to exchange for lands in private ownership in Gunnison County, Colo., certain public lands in Delta County, Colo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 6, after the word "The" to strike out "west half" and insert "southwest quarter"; in line 8, after the words "south half of the south half" to strike out "and the northeast quarter of the southeast quarter"; in the same line, after the words "section 3", to strike out "the south half of the southeast quarter of section 4"; on page 2, line 3, after the word "value" to strike out "and area"; in line 6, after the word "The" to strike out "south half of the southeast quarter of section 18, the"; and after line 11, to insert: "And provided further, That patent

of be issued for the south half of the southwest quarter of section 3, township 13 south of range 91 west, shall contain appropriate notations as provided by section 9 of the act of December 29, 1916 (39 Stats., p. 862)," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and empowered, in his discretion, to exchange certain public lands in the county of Delta, State of Colorado, described as follows: The southwest quarter of the southwest quarter of section 2, the south half of the south half of section 3, the north half of the north half of section 10, and the northwest quarter of the northwest quarter of section 11, all in township 13 south of range 91 west of the sixth principal meridian, for other lands of approximately equal aggregate value, now owned by the Juanita Coal & Coke Co., a Colorado corporation, and situate in the county of Gunnison, State of Colorado, described as follows: The east half and the southwest quarter of section 19, all in township 13 south of range 90 west of the sixth principal meridian: *Provided*, That by such action he will be enabled advantageously to consolidate the holdings of coal lands by the United States: *And provided further*, That patent of be issued for the south half of the southwest quarter of section 3, township 13 south of range 91 west, shall contain approximate notations as provided by section 9 of the act of December 29, 1916 (39 Stats., p. 862).

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Mr. LENROOT. Mr. President, I notice in the last amendment that there is very evidently an error. The word "of" should be "to." It should read "That patent to be issued." I ask that that amendment be stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 2, line 12, in the committee amendment, after the word "patent," it is proposed to strike out "of" and insert "to," so that it will read "That patent to be issued."

The amendment to the amendment was agreed to.

The amendments, as amended, were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FRANK TOPPING AND OTHERS

The bill (S. 1453) for the relief of Frank Topping and others was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of," to strike out "\$2,517" and insert "\$372"; in line 7, after the words "sum of," to strike out "\$748.75" and insert "\$127.90"; in line 8, after the words "sum of," to strike out "\$3,225.50" and insert "\$1,006.50"; in line 9, after the numerals "\$1,240," to strike out "to P. F. White, the sum of \$1,041.70"; in line 11, after the words "sum of," to strike out "\$642.60" and insert "\$492.60"; on page 2, line 1, after the words "sum of," to strike out "\$1,397.80" and insert "\$421.80"; and in line 4, after the words "in the," to strike out "Wakarusa River" and insert "Wakarusa River during the years 1921 and 1922," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as follows, to wit: To Frank Topping, the sum of \$372; to J. A. Garrett, the sum of \$127.90; to Charles H. Lemon, the sum of \$1,006.50; to Elmer B. Irvan, the sum of \$121; to G. C. Rothwell, the sum of \$1,240; to E. L. Brown, the sum of \$492.60; to Robert White, the sum of \$228; to Charles L. Shirar, the sum of \$332.50; to A. E. Welsh, the sum of \$421.80; said sums representing losses and damages sustained by above-named individuals as a result of the flood gates in Haskell Institute's drainage ditch not being closed during the high water in the Wakarusa River during the years 1921 and 1922.

The amendments were agreed to.

Mr. ROBINSON of Arkansas. Mr. President, if I understand the matter correctly, these amendments, reducing the amounts claimed in some instances very materially, are made to conform to the recommendation of the Secretary of the Interior.

Mr. CAPPER. That is correct; and they cover the claims made for the year 1920 which the committee disallowed on account of the unfavorable report of the Secretary of the Interior as to damages sustained for that year.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LANDS IN WYOMING

The joint resolution (S. J. Res. 120) authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State, established in accordance with the act of Congress of August 10, 1912 (37 Stat. L. p. 293), was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "Wyoming," to strike out "described as the southeast quarter of the southeast quarter of section 12; the east half of the northeast quarter of section 13; the north half of the northeast quarter of section 24, and the northeast quarter of the northwest quarter of section 24; all in township 41 north, range 116 west of the sixth principal meridian; and the south half of section 4, the east half of the southeast quarter of section 5, the southwest quarter of the southeast quarter of section 5, the south half of the southwest quarter of section 5, the southeast quarter of the northeast quarter of section 7, the southwest quarter of the southeast quarter of section 7, and the southwest quarter of the southwest quarter of section 7; all of section 8; the north half of the northwest quarter of section 9, and the southwest quarter of the northwest quarter of section 9; the north half of section 17; all of section 18; the north half of the northwest quarter of section 19, and the north half of the northeast quarter of section 20; all in township 42 north, range 115 west of the sixth principal meridian," and to insert "described as the south half of section 4; the east half of the southeast quarter of section 5; the southwest quarter of the southeast quarter of section 5; the south half of the southwest quarter of section 5; the southeast quarter of the northeast quarter of section 7; the east half of the southeast quarter of section 7; the southwest quarter of the southeast quarter of section 7, and lot 4 of section 7; all of section 8; the north half of the northeast quarter of section 9; the north half of the northwest quarter of section 9; and the southwest quarter of the northwest quarter of section 9; the north half of the northeast quarter of section 17; lot 1 of section 18; and the east half of the northwest quarter of section 18; all in township 41 north, range 115 west, of the sixth principal meridian," so as to make the joint resolution read:

*Resolved, etc.,* That the Secretary of Agriculture be, and he is hereby, authorized to accept, on behalf of and without expense to the United States, from the Izaak Walton League of America, or its authorized trustees, a gift of certain lands in Teton County, Wyo., described as the south half of section 4; the east half of the southeast quarter of section 5; the southwest quarter of the southeast quarter of section 5; the south half of the southwest quarter of section 5; the southeast quarter of the northeast quarter of section 7; the east half of the southeast quarter of section 7; the southwest quarter of the southeast quarter of section 7, and lot 4 of section 7; all of section 8; the north half of the northeast quarter of section 9; the north half of the northwest quarter of section 9; and the southwest quarter of the northwest quarter of section 9; the north half of the northeast quarter of section 17; lot 1 of section 18; and the east half of the northwest quarter of section 18; all in township 41 north, range 115 west, of the sixth principal meridian, including all the buildings and improvements thereon, and all rights, easements, and appurtenances thereunto appertaining, subject to the conditions that they be used and administered by the United States, under the supervision and control of the Secretary of Agriculture, for the grazing of, and as a refuge for, American elk and other big game animals, and that they be known as the Izaak Walton League addition to the winter elk refuge: *Provided*, That upon the conveyance of said lands to the United States, as herein provided, they shall become a part of the winter elk refuge established pursuant to the authority contained in the act of August 10, 1912 (37 Stat. L. p. 293), and shall be subject to any laws governing the administration and protection of said refuge.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

## KENTUCKY-WYOMING OIL CO. (INC.)

The bill (S. 4669) for the relief of the Kentucky-Wyoming Oil Co. (Inc.), was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to make an examination of the claim of the Kentucky-Wyoming Oil Co. for a remission of any balance of the rentals claimed to be due under oil and gas prospecting leases Cheyenne 028177 (a) and 028177 (b), issued under the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" (41 Stat., p. 437),

and if it shall be satisfactorily established that the Kentucky-Wyoming Oil Co. has expended or caused to be expended \$100,000 or more in the exploration and development of the land covered by said leases, in accordance with the provisions of an oil and gas prospecting permit, issued under said act; and that said leases were entered into prematurely, and the Kentucky-Wyoming Oil Co. has paid or caused to be paid \$5,000 or more to the United States as rental under said leases, and has received no remuneration or return of any kind whatsoever, for the expenditures so made, then, in which event, the Secretary of the Interior is authorized and directed to cancel said leases if still in force and to release the Kentucky-Wyoming Oil Co. from the payment of any rentals now due or which may hereafter become due under said leases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## LANDS IN ALABAMA

The bill (H. R. 11421) to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment on page 1, line 6, after the word "rights" to insert "including rights heretofore granted to Henry T. Henderson and associates by act of Congress approved June 30, 1906," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed, upon payment of \$1.25 per acre, to transfer and convey to the State of Alabama, subject to valid existing rights, including rights heretofore granted to Henry T. Henderson and associates by act of Congress approved June 30, 1906, the following-described parcels of land: In township 8 south, range 9 east, Huntsville meridian, lots 1, 2, 3, and 4, section 1; lots 1, 2, and 3, section 2; lots 1 and 2, section 10; lots 1, 2, 3, 4, 5, and 6, section 11; lot 1, section 12; lots 1, 2, and 3, section 14; lots 1, 2, 3, and 4, section 15; lots 1, 2, 3, and 4, section 22; lots 1, 2, 3, and 4, section 23; lots 1 and 2, section 26, east half northeast quarter; lots 1, 2, 3, 4, and 5, section 27; lot 1, section 28; lots 1, 2, 3, and 4, section 33; and lots 1 and 2, section 34, containing 1,625.19 acres more or less, the same to be held and made available permanently by said State as a State park and game preserve under such rules and regulations as may be necessary and proper for use thereof by the public: *Provided*, That should the State of Alabama fail to keep and hold the said land for park and game-preserve purposes or devote it to any use inconsistent with said purposes, then, at the option of the Secretary of the Interior, after due notice to said State and such proceeding as he shall determine, title to said land shall revert to and be reinvested in the United States: *Provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

SEC. 2. There is expressly reserved by the United States, its permittees or licensees, the right to enter upon, take, or use any or all of said lands for power purposes in accordance with the terms and conditions of section 24 of the Federal water power act (41 Stat. p. 1063).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## LANDS IN ARKANSAS

The bill (H. R. 7921) to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Arkansas was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LANDS IN ALABAMA

The bill (H. R. 12889) to relinquish the title of the United States to the land in the claim of Moses Steadham, situate in the county of Baldwin, State of Alabama, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HAWAII NATIONAL PARK

The bill (H. R. 15821) to revise the boundary of the Hawaii National Park on the island of Maui in the Territory of Hawaii was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES GAYNOR

The bill (H. R. 2184) for the relief of James Gaynor was considered as in Committee of the Whole.



The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. HEBBLETHWAITE

The bill (H. R. 4376) to allow and credit the accounts of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of \$237.90 disallowed by the Comptroller General of the United States, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENNSYLVANIA RAILROAD CO.

The bill (H. R. 7617) to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. PERRY

The bill (H. R. 10076) for the relief of the estate of William C. Perry, late of Cross Creek Township, Washington County, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELENE M. HUBRICH

The bill (H. R. 1330) for the relief of Helene M. Hubrich was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL SURETY CO.

The bill (S. 2618) for the relief of the National Surety Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$10,500 to the National Surety Co., which sum represents the loss sustained by the said company on the bail bond of Austin H. Montgomery, jr., who was afterwards captured and returned to the United States officers by the said National Surety Co.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITIZENS' NATIONAL BANK, OF PETTY, TEX.

The bill (S. 5466) for the relief of the Citizens' National Bank, of Petty, Tex., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$1,380.83 to the Citizens' National Bank, of Petty, Tex., or its assigns, on account of unavoidable loss sustained through theft from robbery from said bank of war savings certificate stamps of the series of 1919, which said bank held as duly authorized agent of the second class for the sale of war savings certificate stamps, and which loss resulted from no fault or negligence on the part of the said Citizens' National Bank, of Petty, or any of its officers or employees.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KELLY SPRINGFIELD MOTOR TRUCK CO.

The bill (H. R. 1105) for the relief of the Kelly Springfield Motor Truck Co. of California was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER J. THOMPSON

The bill (H. R. 6806) authorizing the payment of a claim to Alexander J. Thompson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. ROYCE

The bill (H. R. 8685) for the relief of Henry S. Royce was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUILDING FOR CUSTOMS PURPOSES, NEW YORK CITY

The bill (S. 5339) to authorize the Secretary of the Treasury to enter into a lease of a suitable building for customs purposes

in the city of New York was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance with an amendment, on page 2, line 4, after the word "foot," to strike out "and such contract shall provide that the lessor shall convey to the United States, at or before the expiration of the period of the lease, all right, title, and interest in the site on which such building is erected, together with such building, free and clear of all encumbrances" and to insert: "and such contract shall provide that the lessor shall convey to the United States all right, title, and interest in the site upon which such building is erected, together with such building, free and clear of all encumbrances, (1) upon the expiration of the period of the lease and without the payment of any compensation by the United States in addition to the annual rentals, or (2) at any time prior to the expiration of the period of the lease, upon the payment by the United States of an amount equal to the present value, at the time of such payment, of the annual rentals for the unexpired period of the lease, based upon a rate of  $4\frac{1}{2}$  per cent compounded annually," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized, in his discretion, to enter into, on behalf of the United States, a contract of lease, for a period of not more than 20 years, of a modern, fireproof building, to be erected on a plot of ground known as block 581, bounded by Varick, King, Hudson, and West Houston Streets, as shown on the land map of the Borough of Manhattan, city of New York, and to contain not more than approximately 1,040,000 square feet. Such contract shall be upon such terms and conditions as the Secretary of the Treasury deems advisable, except that the annual rental shall be at a rate not in excess of \$1 per square foot; and such contract shall provide that the lessor shall convey to the United States all right, title, and interest in the site upon which such building is erected, together with such building, free and clear of all incumbrances, (1) upon the expiration of the period of the lease and without the payment of any compensation by the United States in addition to the annual rentals, or (2) at any time prior to the expiration of the period of the lease, upon the payment by the United States of an amount equal to the present value at the time of such payment, of the annual rentals for the unexpired period of the lease, based upon a rate of  $4\frac{1}{2}$  per cent compounded annually. Such building shall be for the use of the United States appraiser of merchandise, United States Customs Court, and other governmental officers in the city of New York; and the Secretary of the Treasury may, if he deems it to be the best interests of the Government, lease or sell, upon such terms and conditions as he deems advisable, the premises located at 641 Washington Street, New York City, now occupied by customs officers and other officers of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN TRIBES IN STATE OF WASHINGTON

The bill (S. 4611) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred on the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims of the Okanogan, Methow, San Poells (or San Poil), Nespelem, Colville, and Lake Indian tribes or bands of the State of Washington, or any of said tribes or bands, against the United States arising under or growing out of the original Indian title, claim, or rights of the said Indian tribes and bands, or any of said tribes or bands (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances in the State of Washington embraced within the following general descriptions, to wit: Commencing at the intersection of the west bank of the Okanogan River with the international boundary line between the Province of British Columbia, Canada, and the State of Washington, thence west along said line to its intersection with the summit of the main ridge of the Cascade Mountains; thence in a southerly direction along the summit of said main ridge of the Cascade Mountains to a point where the northern tributaries of Lake Chelan and the southern tributaries of the Methow River have their rise; thence southeasterly on the divide between the waters of Lake Chelan and the Methow River to the Columbia River; thence, crossing the Columbia River in a true-line course east, to a point whose longitude is 119 degrees and 10 minutes; thence in a true south course to the Government survey township line between townships 24 and 25 north; thence east along said township line to Hawk Creek, in Lincoln County, Wash.; thence down said Hawk Creek to its intersection with the

Columbia River; thence westwardly along the south bank of the Columbia River to a point opposite the mouth of the Okanogan River; thence north across the Columbia River and up the west bank of the Okanogan River to the place of beginning; also, commencing on the north bank of the Spokane River at its junction with the Columbia River, thence in a northeasterly direction along the summit of the ridge separating the drainage basin of the Spokane River from that of the Columbia River and its tributary, the Colville River, to the main ridge of the Callispell Mountains; thence in a northerly direction along the summit of the main ridge of said Callispell Mountains, extended, to the international boundary line between said Province of British Columbia, Canada, and the State of Washington; thence west along said line to the east bank of the Columbia River; thence in a general southerly direction along said east bank of the Columbia River to the said mouth of the Spokane River; also, commencing at a point on the west bank of the Columbia River opposite the mouth of the Spokane River; thence in a general northerly direction to and along the summit of the main ridge dividing the waters of the San Poil River from those of the Columbia and Kettle Rivers, and along the summit of said ridge extended northerly to the said international boundary line between the Province of British Columbia and the State of Washington; thence west along said international boundary line to the summit of the main ridge separating the waters of the Okanogan River from those of the upper Kettle River; thence in a general southerly direction to and along the summit of the divide between the waters of said Okanogan River and those of Nespelem Creek to the north bank of the Columbia River; thence in a general easterly direction along the north bank of the Columbia River to a point opposite the mouth of the Spokane River, the place of beginning; which said lands or rights therein or thereto are claimed to have been taken away from said Indian tribes and bands, or some of them, by the United States, recovery therefor in no event to exceed \$1.25 per acre; together with all other claims of said tribes or bands of Indians, or any of said tribes or bands, arising under or growing out of fishing rights and privileges held and enjoyed by said tribes and bands, or any of them, in the waters of the Columbia River and its tributaries; or arising or growing out of hunting rights and privileges held and enjoyed by said tribes and bands, or any of them, in common with other Indians in the "common hunting grounds" east of the Rocky Mountains as reserved by and described in the treaty with Blackfoot Indians, October 17, 1855 (11th Stat. L., pp. 657 to 662), and which are claimed to have been taken away from said tribes and bands, or any of them, by the United States without any treaty or agreement with such Indian claimants therefor and without compensation to them.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the said Okanogan, Methow, San Poells (or San Poil), Nespelem, Colville, and Lake Indian tribes or bands of Washington, or any of said tribes or bands, party or parties, plaintiff, and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes and bands, or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes and bands or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, and in no event to exceed the sum of \$25,000 for any one of said tribes or bands of Indians, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged to be due said tribes or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MILITARY TELEGRAPH CORPS

The bill (S. 1959) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was considered as in Committee of the Whole and was read, as follows:

*Be enacted, etc.*, That the laws governing the granting of pensions to Civil War veterans and their widows shall be extended to and include the members of the Military Telegraph Corps of the Civil War and their widows; and that the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, shall also be extended to include the members of said corps: *Provided*, That no pension, pay, or allowances shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### E. A. GOLDENWEISER AND OTHERS

The bill (S. 5539) to authorize and direct the Comptroller General to settle and allow the claims of E. A. Goldenweiser, Edith M. Furbush, and Horatio M. Pollock for services rendered to the Department of Commerce was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of E. A. Goldenweiser in the sum of \$600, and the claim of Edith M. Furbush and Horatio M. Pollock in the sum of \$2,000, for services rendered the Department of Commerce in the preparation of monographs on census subjects notwithstanding provisions of existing law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHARLES H. NIEHAUS

The bill (S. 4557) for the relief of Charles H. Niehaus, sculptor, for losses in connection with Francis Scott Key Memorial at Baltimore, Md., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "\$48,759.90" and insert "\$33,121," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$33,121 to Charles H. Niehaus, of Grantwood, N. J., to compensate the said Niehaus for losses suffered by him in the designing and erection by the said Niehaus of the Francis Scott Key Memorial at Fort McHenry, Baltimore, Md., under his contract with the United States, dated October 19, 1916, said memorial having been completed by the said Niehaus and accepted by the United States June 14, 1922.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, can we not have an explanation of that bill? That is a very large sum of money, and it seems to me we ought to understand why it is being appropriated.

Mr. CARAWAY. Mr. President, while I did not have the bill in charge, still I can tell the Senator what it purposes to do.

The Government entered into a contract with Mr. Niehaus to erect a statue to Key at Fort McHenry, in Baltimore, for \$75,000. From time to time he did some work on it, and then it was delayed, he contending, and possibly correctly so, that the property was desired to be used by the Government during the war, and the increase in cost of materials and labor and other things made the cost of the statue very much greater than it had been anticipated it would be. He came here with a claim for \$48,000. Among the items for which he asked the Government to pay him was \$6,000 which he paid to a lawyer at one time, and \$6,000 at another; so the committee finally adopted an amendment striking out certain items and refusing to allow those, and reported the bill for the amount mentioned.

Mr. SMITH. The Senator thinks the bill is all right, does he?

Mr. CARAWAY. Well, I presume so. It is certainly large enough.

Mr. BRATTON. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### AMENDMENT OF REVISED STATUTES

The bill (H. R. 15537) to amend section 476 and section 4934 of the Revised Statutes was considered as in Committee of the Whole.



The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE DOXEY

The bill (S. 3739) to extend the provisions of the United States employees' compensation act of September 7, 1916, as amended, to Josephine Doxey was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 4, after the words "directed to," to strike out "extend" and insert "pay"; in line 6, after the word "the," to strike out "provisions of an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, compensation hereunder to commence from and after the date of the passage of this act," and insert "sum of \$50 per month, this compensation to commence from and after the date of the passage of this act," so as to make the bill read:

*Be it enacted, etc.,* That the United States Employees' Compensation Commission is authorized and directed to pay to Josephine Doxey, a former employee of the Treasury Department (Bureau of Engraving and Printing), the sum of \$50 per month, this compensation to commence from and after the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Josephine Doxey."

Mr. JONES of Washington subsequently said: Mr. President, Senate bill 3739, relating to the United States employees' compensation act, was passed a moment ago. I have not had an opportunity to examine that bill, and I would like to have the Senator who reported it briefly explain the reasons for extending this act.

The PRESIDENT pro tempore. By unanimous consent, the vote by which Senate bill 3739 was passed will be reconsidered, and the Senate will return to the consideration of the bill.

The Senate resumed the consideration of the bill (S. 3739) to extend the provisions of the United States employees' compensation act of September 7, 1916, as amended, to Josephine Doxey.

Mr. TYSON. Mr. President, the beneficiary of this bill was employed in the Bureau of Engraving and Printing. She was a very large woman, and was injured through slipping and falling on the floor at the bureau. She went before the doctors a good many times, and it was a close case, but she never did recover from her injury. The United States Employees' Compensation Commission declined to give her any compensation whatever, and there was no other way for her to get compensation except through a private bill. She was examined several times, and the last doctor who examined her said that she ought to have been compensated. But she could not get a favorable report from the Employees' Compensation Commission. Her case was deemed to be meritorious, and the only way should could get any compensation, in the view of the Claims Committee, was through such a bill as this.

Mr. JONES of Washington. If the Senator will permit, did this injury occur to the lady after the passage of the compensation act?

Mr. TYSON. Yes; I think so.

Mr. JONES of Washington. But she could not bring herself within the terms of the act?

Mr. TYSON. She never could get a favorable report from the Compensation Bureau.

Mr. JONES of Washington. Does not the Senator think that it would set a very unwise precedent to have Congress review the action of the Compensation Commission?

Mr. TYSON. The woman was destitute. She had been working for the Government for a long time; she had fallen and injured herself while in the Government employ, and it seemed that the Employees' Compensation Commission ought to have given her something; but they declined to do so.

Mr. JONES of Washington. Did the committee believe that she brought herself clearly within the terms of the compensation act, or was it because of her poverty-stricken condition that the bill was reported favorably?

Mr. TYSON. In view of the last report of the surgeon who examined her, the committee, as I understand it, thought that she came within the terms of the law, but that she could not get the commission to change their minds and to give her a favorable report, because once having stated that she was not entitled, they did not like to change their minds. That was the idea the Claims Committee had as to the matter.

Mr. JONES of Washington. I am afraid the committee is setting a very bad precedent.

The PRESIDENT pro tempore. The question is, shall the bill pass?

The bill was passed.

G. W. ROGERS

The bill (S. 4491) for the relief of G. W. Rogers was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. W. Rogers, former captain, Quartermaster Corps, United States Army, the sum of \$400, representing the amount of deductions, during the months of May, June, July, and August, 1919, from his pay as captain, Quartermaster Corps, toward the settlement of a shortage in his accounts as disbursing officer in France during the period from December 23, 1918, to April 26, 1919, such shortage having been subsequently credited in his accounts by certificate of settlement No. M-19682-W.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHOSHONE INDIANS

The bill (S. 5523) authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which the Shoshone Tribe of Indians of the Wind River Reservation in the State of Wyoming may have against the United States arising under or growing out of the treaty of July 3, 1868 (15th Stats., p. 673), or arising under or growing out of any subsequent treaty or agreement between said Shoshone Tribe of Indians and the United States or any subsequent act of Congress affecting said tribe, which claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. The claims of said tribe shall be presented by petition, subject, however, to amendment at any time. The suit under this act shall be instituted or petition filed in the Court of Claims within three years from the date of approval of this act. Such suit shall make the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming party plaintiff and the United States party defendant. The petition shall be verified upon information and belief by the attorney or attorneys employed by said tribe to prosecute said claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented, may be used in evidence; and the departments of Government shall give the attorney of said tribe access to any such letters, papers, documents, or public records and shall furnish certified copies of such thereof as may be deemed material.

SEC. 3. In said suit the court shall also hear, examine, and adjudicate any claims which the United States may have against said tribe, but any payment, including gratuities which the United States may have made to said tribe, shall not operate as an estoppel, but may be pleaded as an offset in such suit: *Provided, however,* That the United States may interpose to such suit or action any and all pleas of defense, affirmative and negative, legal and equitable, which it may have thereto not herein specifically barred by the provisions of this act. In reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Shoshone Indians in and to such money, lands, or other property.

SEC. 4. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorney's employed by said Shoshone Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

SEC. 5. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to said suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 6. A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

SEC. 7. All amounts which may be found due and recovered for said tribe under the provisions of this act, less attorneys' fees and ex-

penses, shall be deposited in the Treasury of the United States to the credit of said tribe and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LUCY WEBB HAYES NATIONAL TRAINING SCHOOL

The bill (S. 5213) for the relief of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That neither the corporate existence nor the validity of the acts and authority of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, nor of the persons purporting to act as its officers, shall be affected by the failure of said officers heretofore to make or to record the making of by-laws or to make a record of the election of trustees, directors, or managers of said corporation, as duly incorporated for the term of 20 years, by the name of the National Training School for Missionaries, November 9, 1894, under the laws of the District of Columbia, as will appear by reference to incorporation book 7, page 1, in the office of the recorder of deeds of said District; nor shall such existence or validity be affected by any insufficiency, irregularity, or defect in the proceedings undertaken to change its name to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, January 4, 1908, as will appear by reference to incorporation book 25, page 285, in the office of said recorder of deeds; nor by any insufficiency, irregularity, or defect in the proceedings undertaken to make its existence perpetual, on November 6, 1914, as will appear by reference to incorporation book 31, page 53, in the office of said recorder of deeds; nor by any insufficiency, irregularity, or defect in the appointment or election of the persons undertaking to act as its officers or trustees subsequent to any of the proceedings above mentioned.

SEC. 2. That Ida H. Goode, Mary Leonard Woodruff, Jane H. Freeman, May Conant Fruit, William T. Galliber, Charles S. Cole, G. Ellis Williams, Maurice Otterback, and Merrill C. Slutes are hereby declared to be the persons now constituting the said Lucy Webb Hayes National Training School for Deaconesses and Missionaries, a body corporate, with perpetual existence, and they and their successors are hereby given authority by a majority vote to adopt by-laws to carry out the corporate objects of said corporation. Prior to the adoption of such by-laws, the persons above mentioned, or a majority of them, shall constitute the trustees of said corporation and shall have full power and authority to perform all corporate acts.

SEC. 3. That all things heretofore done or attempted to be done by the said National Training School for Missionaries or by the said Lucy Webb Hayes National Training School for Deaconesses and Missionaries or the persons acting as its officers or trustees, as mentioned or referred to in the first section of this act, be, and the same are, in all respect, hereby validated, ratified, confirmed, and approved.

SEC. 4. That nothing in this act shall be held to limit or lessen any power, right, or privilege now possessed or enjoyed by said corporation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### OLYPHANT, PA., POST-OFFICE BUILDING

The bill (H. R. 13481) authorizing the Secretary of the Treasury to accept title for post-office site at Olyphant, Pa., with mineral reservations, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FEDERAL HIGHWAYS

The bill (S. 4530) amending sections 11 and 21 of the Federal highway act approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing limitations on the payment of Federal funds in the construction of highways, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. In behalf of and in the name of the junior Senator from Utah [Mr. KING], objection is made to Order of Business 1413, Senate bill 4530, and Order of Business 1414, Senate bill 4602, and those bills will go over.

#### RURAL POST ROADS

The bill (S. 4602) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The announcement just made as to Senate bill 4530 applies to this bill, and it will be passed over.

Mr. ODDIE. Mr. President, the two bills just referred to by the President pro tempore were reported by me favorably from the committee, and as this rather long-distance objection has been made, I do not see that anything can be done to-night. I give notice, however, that at the very first opportunity I shall ask that these bills be taken up. They are bills which affect practically every State in the Union, and I do not know that any valid objection can be made to them, because the highway departments of all the States in the Union have approved the bills. I hope an opportunity will come very soon for their consideration.

#### ALIEN PROPERTY ADJUSTMENT

The bill (H. R. 15009) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

#### COLUMBUS P. PIERCE

The bill (H. R. 9667) for the relief of Columbus P. Pierce was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSEPH F. THORPE

The bill (S. 670) for the relief of Joseph F. Thorpe was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,300 to reimburse Joseph F. Thorpe, formerly clerk at the American Legation at Athens, for expenditures incurred in accompanying Garrett Droppers, formerly United States minister to Greece, then under physical disability, to the United States pursuant to instructions of the State Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SPRINGFIELD ARMORY MILITARY RESERVATION, MASS.

The bill (S. 4851) authorizing the Secretary of War to convey to the city of Springfield, Mass., certain parcels of land within the Springfield Armory Military Reservation, Mass., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 8, line 7, after the word "feet," to insert a semicolon and the words "thence north 29 degrees 5 minutes 15 seconds west, a distance of 7.19 feet," and on page 10, line 15, after the word "highways," to insert the words "Provided further, That the city of Springfield shall reconstruct and reset the fences bounding the property of the United States wherever the boundary lines are changed by this act, without expense to the United States and to the satisfaction of the Secretary of War," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he hereby is, authorized and empowered to convey by quitclaim deed to the city of Springfield, Mass., for public highway purposes, and for no other purpose, all the right, title, and interest of the United States of America in and to certain strips or parcels of land within the Springfield Armory Military Reservation, Mass., the areas to be conveyed being particularly described as follows:

First parcel. Beginning at a point in the boundary line between land of the United States and the highway already established as Walnut Street, said point being located in the westerly line of Walnut Street extended and 1.56 feet southerly of the south line of Hickory Street; thence southerly 10 degrees 1 minute 50 seconds east, a distance of 71.46 feet; thence south 18 degrees 44 minutes 30 seconds east, a distance of 70.29 feet; thence on a curve to the right of 30 feet radius, a distance of 35.43 feet; thence south 48 degrees 54 minutes 50 seconds west, a distance of 26.69 feet, to the boundary line between land of the United States and the highway established as Mill Street; thence south 27 degrees 32 minutes 10 seconds east, on said boundary line, a distance of 65.22 feet; thence north 62 degrees 27 minutes 50 seconds east, a distance of 9.32 feet; thence on a curve to the right of 20 feet radius, a distance of 34.49 feet; thence south 18 degrees 44 minutes 30 seconds east, a distance of 117.4 feet; thence on a curve to the left of 201.78 feet radius, a distance of 161.73 feet; thence on a curve to the right of 42.76 feet radius, a distance of 45.25 feet, to a point in the westerly line of Oakland Street; thence north 4



degrees 1 minute 55 seconds west, a distance of 37.44 feet to a point in the boundary line between the land of the United States and the highway established as Allen Street; thence north 82 degrees 18 minutes 5 seconds east, by the said boundary line, a distance of 270.51 feet to the northerly line of Allen Street; thence north 87 degrees 19 minutes 10 seconds west, a distance of 197.54 feet; thence on a curve to the right of 143.1 feet radius, a distance of 67.11 feet; thence on a curve to the right of 161.25 feet radius, a distance of 106.68 feet; thence north 22 degrees 31 minutes 30 seconds west, a distance of 49.36 feet; thence north 18 degrees 44 minutes 30 seconds west, a distance of 248.97 feet; thence north 12 degrees 23 minutes 15 seconds west, a distance of 49.41 feet; thence on a curve to the right of 30 feet radius, a distance of 43.76 feet, to a point in the above-mentioned boundary line between the land of the United States and the highway established as Walnut Street; thence south 71 degrees 11 minutes 20 seconds west, by the said boundary line, a distance of 88.74 feet to the point of beginning.

Meaning to describe all that portion of Allen Street now owned by the United States, with additional land so that a highway 66 feet wide at certain points may be constructed, as shown on plan entitled "Springfield, Mass., department of streets and engineering, study of proposed widening of Allen Street between Hickory and Oakland Streets, prepared for the board of public works, January, 1925."

Second parcel. Beginning at the intersection of the northwesterly line of State Street and the westerly line of St. James Avenue; thence south 56 degrees 23 minutes 35 seconds west, a distance of 55.52 feet; thence northerly by a curve of 35.63 feet radius, a distance of 35.34 feet; thence north 26 minutes 40 seconds west, a distance of 20 feet; thence northwesterly by a curve of 50 feet radius, a distance of 28.94 feet; thence north 33 degrees 36 minutes 40 seconds west, a distance of 630.61 feet; thence northwesterly by a curve of 50 feet radius, a distance of 68.81 feet; thence north 60 degrees 36 minutes 40 seconds east, a distance of 145.28 feet; thence southerly by a curve of 30 feet radius, a distance of 51.64 feet; thence south 33 degrees 36 minutes 40 seconds east, a distance of 501.28 feet; thence easterly and northerly by a curve of 30 feet radius, a distance of 76.88 feet to St. James Avenue; thence south 26 minutes 40 seconds east, a distance of 217.35 feet, to the point of beginning, as shown on a plan entitled "Springfield, Mass., department of streets and engineering, Magazine Street, November, 1926; scale, 1 inch to 40 feet."

Third parcel. Beginning at the intersection of the southerly curb line of Lincoln Street extended and the easterly line of Federal Street, thence north 64 degrees 50 minutes 45 seconds east, a distance of 867.29 feet; thence north 33 degrees 36 minutes 40 seconds west, a distance of 34.38 feet; thence north 65 degrees 20 seconds east, a distance of 370.67 feet, to the southwesterly line of Bowdoin Street; thence south 30 degrees 18 minutes 30 seconds east, a distance of 96.71 feet; thence northerly and westerly by a curve of 40 feet radius, a distance of 50.12 feet; thence south 65 degrees 20 seconds west, a distance of 324.24 feet; thence south 60 degrees 36 minutes 40 seconds west, a distance of 145.28 feet; thence south 67 degrees 33 minutes 15 seconds west, a distance of 260.29 feet; thence south 64 degrees 50 minutes 45 seconds west, a distance of 482.24 feet; thence southerly by a curve of 16 feet radius, a distance of 26.23 feet to Federal Street; thence north 29 degrees 5 minutes 15 seconds west, a distance of 40.89 feet to the point of beginning. As shown on a plan entitled "Springfield, Mass., Department of Streets and Engineering, Lincoln Street; scale, 1 inch equals 40 feet. December, 1921. Corrected to November, 1926."

Fourth parcel. Beginning at the most northerly point of the westerly curb of Federal Street acquired from the United States of America, December 1, 1922, being also in the southerly limit of the public part of Federal Street at that time; thence south 29 degrees 5 minutes 15 seconds east, a distance of 345.76 feet; thence south 71 degrees 34 minutes 45 seconds east, a distance of 58.38 feet; thence north 64 degrees 50 minutes 45 seconds east, a distance of 15 feet; thence south 29 degrees 5 minutes 15 seconds east, a distance of 57.44 feet; thence south 60 degrees 54 minutes 45 seconds west, a distance of 75.40 feet; thence north 29 degrees 5 minutes 15 seconds west, a distance of 420.69 feet; thence westerly by a curve of 35 feet radius, a distance of 53.81 feet to Pearl Street, as established June 29, 1925; thence north 59 degrees 25 seconds east, a distance of 35 feet; thence north 29 degrees 5 minutes 15 seconds west, a distance of 7.19 feet; thence south 82 degrees 28 minutes 5 seconds east, a distance of 26.16 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., Department of Streets and Engineering, Federal Street, Pearl to Lincoln Street; scale, 1 inch equals 40 feet. December, 1921. Corrected to November, 1926."

Fifth parcel. Beginning at the intersection of the northeasterly curb of Byers Street and the northwesterly line of State Street; thence north 49 degrees 30 minutes 30 seconds west, a distance of 1,325.70 feet to Pearl Street; thence northeasterly by Pearl Street, a distance of 39 feet; thence southerly by a curve of 35 feet radius, a distance of 54.55 feet; thence south 49 degrees 30 minutes 30 seconds east, a distance of 1,256.27 feet; thence easterly by a curve of 35 feet radius,

a distance of 59.86 feet to State Street; thence southwesterly by State Street, a distance of 39.04 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., Department of Streets and Engineering, Byers Street; scale, 1 inch equals 40 feet. December, 1921. Corrected to November, 1926."

Sixth parcel. Beginning in the northerly line of State Street, distant westerly from a stone bound at Byers Street, 4.04 feet; thence north 48 degrees 29 minutes 15 seconds east, a distance of 472.34 feet; thence north 50 degrees 36 minutes 10 seconds east, a distance of 546.34 feet; thence north 55 degrees 51 minutes 55 seconds east, a distance of 550.54 feet to the westerly curb of Federal Street; thence south 29 degrees 5 minutes 30 seconds east, a distance of 24.07 feet; thence south 55 degrees 51 minutes 55 seconds west, a distance of 547.27 feet; thence south 50 degrees 36 minutes 10 seconds west, a distance of 544.8 feet; thence south 48 degrees 29 minutes 15 seconds west, a distance of 468.63 feet; thence north 49 degrees 30 minutes 30 seconds west, a distance of 24.23 feet to the point of beginning, as shown on a plan entitled "Springfield, Mass., Department of Streets and Engineering, State Street, from Byers Street to Federal Street. November, 1926."

Provided, That the conveyance herein authorized shall be upon condition that the city of Springfield, Mass., shall improve and maintain each and all of said parcels as public highways: *Provided further*, That the city of Springfield shall reconstruct and reset the fences bounding the property of the United States wherever the boundary lines are changed by this act, without expense to the United States, and to the satisfaction of the Secretary of War: *Provided further*, That there shall be reserved in the conveyance herein authorized the right to construct and maintain over, under, and across said streets, water, gas, and sewer mains, electric light and telephone wires and cables, and any other utility which the operation and use by the Government of said armory may require: *And provided further*, That the said city of Springfield shall not sell or convey the said described premises, nor devote the same to any other purpose than highway purposes; and in the event said premises shall be used for any other purpose or shall not be cared for and maintained as are other public highways of said city, the right, title, and interest hereby authorized to be conveyed shall revert to the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AQUEDUCT BRIDGE, GEORGETOWN, D. C.

The bill (S. 5332) to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., to be removed and sold or otherwise disposed of, and the sum of \$228,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the cost of such removal and disposal: *Provided*, That any balance remaining from this appropriation may be applied to such protection and improvement work on the Virginia side of the river, in the area included in the approaches to the Aqueduct Bridge and the new Francis Scott Key Bridge, as may be deemed necessary to insure that the surrounding conditions, after the removal of the old bridge, shall harmonize with the design of the new bridge and in no way endanger the said structure.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FREDERICKSBURG MILITARY PARK

The bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the Battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RELIEF FOR FIRE SUFFERERS, OREGON

The bill (H. R. 9912) approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DISPOSAL OF MILITARY UNIFORMS

The bill (H. R. 11762) to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HELIUM GAS

The bill (H. R. 15344) to amend the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 4, line 18, to strike out "The Army and Navy may each designate an officer," and insert in lieu thereof "The Secretary of War and the Secretary of the Navy may each designate representatives," so as to make the bill read:

*Be it enacted, etc.,* That the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes," approved March 3, 1925, be, and it is hereby, amended to read as follows:

"SECTION 1. That for the purpose of producing helium with which to supply the needs of the Army and Navy and other branches of the Federal Government, the Secretary of Commerce is hereby authorized to acquire land or interest in land by purchase, lease, or condemnation, where necessary, when helium can not be purchased from private parties at less cost, to explore for, procure, or conserve helium-bearing gas; to drill or otherwise test such lands; and to construct plants, pipe lines, facilities, and accessories for the production, storage, and repurification of helium: *Provided*, That any known helium gas bearing land on the public domain not covered at the time by leases or permits under the act of February 25, 1920, entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' may be reserved for the purposes of this act, and that the United States reserves the ownership and the right to extract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, helium from all gas produced from lands so permitted, leased, or otherwise granted for development.

"SEC. 2. That the Bureau of Mines, acting under the direction of the Secretary of Commerce, is authorized to maintain and operate helium production and repurification plants, together with facilities and accessories thereto; to store and care for helium; to conduct exploration for and production for helium on and from the lands acquired or set aside under this act; to conduct experimentation and research for the purpose of discovering helium supplies and improving processes and methods of helium production, repurification, storage, and utilization.

"SEC. 3. That all Government plants operated by the Government or under lease or contract with it for the production of helium shall be under the jurisdiction of the Bureau of Mines: *Provided*, That the Army and Navy and other branches of the Federal service requiring helium may requisition it from the said bureau and make payment therefor from any applicable appropriation at actual cost of said helium to the United States, including all expenses connected therewith: *Provided further*, That any surplus helium produced may, until needed for Government use, be leased to American citizens or American corporations under regulations approved by the President: *Provided further*, That even though no surplus exists, helium in an amount not to exceed 5,000 cubic feet in any one year may be leased or sold to aid scientific and commercial development upon approval of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, and under regulations approved by the President: *And provided further*, That all moneys received from the sale or leasing of helium shall be credited to a helium-production account and shall be and remain available for the purposes of this section; and that any gas belonging to the United States, after the extraction of helium or any by-product not needed for Government use, shall be sold; and the proceeds of such sales in excess of the cost of said gas or by-product shall be deposited in the Treasury to the credit of miscellaneous receipts.

"SEC. 4. That hereafter no helium gas shall be exported from the United States, or from its possessions, until after application for such exportation has been made to the Secretary of Commerce and permission for said exportation has been obtained from the President of the United States, on the joint recommendation of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. That any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than one year, or by both such fine and imprisonment, and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

"SEC. 5. The Secretary of War and the Secretary of the Navy may each designate representatives to cooperate with the Department of

Commerce in carrying out the purposes of this act, and shall have complete right of access to plants, data, and accounts."

Mr. CURTIS. Mr. President, I wish the Senator from New York would explain the bill.

Mr. WADSWORTH. Mr. President, the Bureau of Mines used to be under the supervision of the Department of the Interior, and when Congress passed an act something over a year ago providing for the production of helium in this country, we placed the production of helium in charge of the Bureau of Mines, then a part of the Interior Department. We stated in that act that this work should be done by the Bureau of Mines, under the supervision of the Secretary of the Interior.

Since that time the President, by Executive order, has transferred the Bureau of Mines to the Department of Commerce, and so this now comes under the jurisdiction of the Commerce Department.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. I notice a change in the law here. Can the Senator tell us where the President got the power to make that change?

Mr. WADSWORTH. I can not cite the Senator the statute just now. I remember that the President did it by Executive order last spring, I think. Anyway, the transfer has been made.

Mr. WALSH of Montana. I learned of this transfer.

Mr. WADSWORTH. My recollection may be wrong, but I think that when the Department of Commerce was established by an act of Congress the President at that time was authorized to transfer to that department bureaus from other departments.

Mr. FLETCHER. I see that the act of Congress did that. Senators will find in the report that on March 3, 1925, Congress enacted legislation that all the existing Government plants operated by the Government, and under lease or contract for the production of helium, should be transferred to the jurisdiction of the Bureau of Mines on or before June 30, 1925.

Mr. WADSWORTH. That is not the question the Senator from Montana asked me.

Mr. FLETCHER. I thought it was a question as to the transfer. An act of Congress transferred it.

Mr. WADSWORTH. The act of Congress put under the Bureau of Mines the job of producing helium, and at the time that was done the Bureau of Mines was part of the Interior Department. Our law of that day provided that the work should be done under the supervision of the Secretary of the Interior, and, of course, the Senator understands this bill is to put it under the jurisdiction of the Department of Commerce.

Mr. WALSH of Montana. I speak of this because at the time we established the Department of Commerce the activities of the Bureau of Mines, as far as legislation was concerned, were under the care and charge of a committee of the Senate known as the Committee on Mines and Mining. I do not know where a bill appropriate to that matter would go now.

Mr. WADSWORTH. I am not able to suggest an answer to the Senator.

Mr. FLETCHER. On June 4, 1925, the President issued an Executive order transferring the jurisdiction—

Mr. WALSH of Montana. Yes, but the President at one time issued an Executive order transferring some of the duties imposed by Congress upon the Secretary of the Navy to the Secretary of the Interior, but the general view in this body, I think, was that that was beyond his power.

Mr. FLETCHER. To make my own position clear, I may say that I thought it was done by an act of Congress, but I find it was through an Executive order.

Mr. WALSH of Montana. Of course, if we pass the bill at this time we ratify the action of the President, and I am undisturbed to ratify it.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Montana to object?

Mr. WALSH of Montana. I object.

Mr. WADSWORTH. I think if the Senator will look up the act creating the Department of Commerce—I intend to look the matter up myself—he will find that the President was authorized by that act to transfer bureaus from other departments to that department.

Mr. WALSH of Montana. Is it the understanding of the Senator from New York that the President could transfer the bureau having jurisdiction over the disposition of the public lands to the Department of Commerce?

Mr. WADSWORTH. There may be some limitation.

Mr. WALSH of Montana. Or that he could transfer the Bureau of Animal Industry or the Forestry Service from the Department of Agriculture to the Department of Commerce?

Mr. WADSWORTH. I am confident the Senator will find that the President has acted in accordance with a statute. I



remember the incident perfectly. The statute was cited at the time the transfer was made. It created no discussion at the time from the standpoint of its legality or illegality.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

#### RIFLE PRACTICE THROUGHOUT THE UNITED STATES

The bill (H. R. 15604) for the promotion of rifle practice throughout the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BREEDING OF RIDING HORSES FOR UNITED STATES ARMY

The bill (H. R. 15651) to encourage breeding of riding horses for Army purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MILITARY ACADEMY CIVILIAN INSTRUCTORS

The bill (H. R. 15653) to furnish public quarters, fuel, and light to certain civilian instructors, in the United States Military Academy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TRAFFIC REGULATION IN THE DISTRICT OF COLUMBIA

The bill (S. 5349) to amend section 7 (a) of the act of March 3, 1925, known as the "District of Columbia traffic act, 1925," as amended by section 2 of the act of July 3, 1926, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 7 (a) of the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925 (43 Stat., p. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat., p. 812), be, and the same is hereby, amended by adding at the end thereof the following proviso:

"Provided, That enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate Government-owned vehicles, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a Government vehicle and are qualified to drive, and upon proving to the satisfaction of the director of traffic that they are familiar with the traffic regulations of the District of Columbia."

Mr. ROBINSON of Arkansas. May I ask the Senator from Kansas what changes the bill makes in the law?

Mr. CAPPER. All it does is to permit the issuance of operator's permits to enlisted men of the Army and Navy who are engaged in driving vehicles in the Government service here in the city. The bill was prepared by the Secretary of War, who requested that it be introduced and passed.

Mr. ROBINSON of Arkansas. Very well.

Mr. FLETCHER. Mr. President, the only thing I would suggest about it is that some bill, this one, perhaps, as well as any other, ought to provide that when a person is run over and killed in the District of Columbia the proof of death shall be prima facie evidence of negligence.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WIDENING OF C STREET

The bill (S. 5435) to provide for the widening of C Street, NE., in the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land necessary for the widening of C Street between North Carolina Avenue and Twenty-first Street NE., to provide for an addition to the width of said street of 40 feet on the south side of said street, the land to be condemned for the said widening being a strip of land 40 feet wide through squares 1082, 1093, 1107, 1118, and 1125, lying immediately south of the present south line of C Street: *Provided*, That if the amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land condemned for said widening of C Street, plus the costs and expenses of the proceeding, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia, but it shall be optional with the Commissioners of the District of Columbia to abide by the verdict of the jury or, at any time before the final ratification and confirmation of the verdict, to enter a voluntary dismissal of the cause.

SEC. 2. That the appropriation contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1927 (Public, No.

205, 69th Cong.), for the opening, extension, widening, or straightening of streets, avenues, roads, or highways, in accordance with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, is hereby made available to pay the awards and expenses under this act, and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COMMANDER GEORGE M. BAUM, UNITED STATES NAVY

The bill (H. R. 4553) authorizing the President to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander David W. Bagley, United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 7, after the word "Navy," to insert a colon and the words "Provided, That the said George M. Baum shall be an additional number in the grade of commander and to any grade to which he may hereafter be promoted," so as to make the bill read:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander David W. Bagley, United States Navy: *Provided*, That the said George M. Baum shall be an additional number in the grade of commander and to any grade to which he may hereafter be promoted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### FREDERICK MARSHALL

The bill (H. R. 585) for the relief of Frederick Marshall was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROTARY CLUB, CRAWFORDSVILLE, IND.

The bill (H. R. 10130) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now or may be in his custody, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AERONAUTICAL EQUIPMENT DISPOSAL

The bill (H. R. 12212) authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHIEF OF NAVAL OPERATIONS

The bill (H. R. 14248) to amend the provision contained in the act approved March 3, 1915, providing that the Chief of Naval Operations, during the temporary absence of the Secretary and Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ARCHERS CREEK BRIDGE, SOUTH CAROLINA

The bill (H. R. 12852) authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a certain strip of land and the construction of a bridge across Archers Creek in South Carolina, was considered as in the Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JUNEAU, ALASKA, SCHOOL BONDS

The bill (H. R. 11803) to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes, was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Territories with an amendment, on page 2, line 20, after the word "each" to strike out the words "the principal to be due in 10 years from date thereof: *Provided, however*, That the common council of said town of Juneau may reserve the right to pay off such

bonds in their numerical order at the rate of \$10,000 or less thereof per annum from and after the expiration of four years from their date," and to insert: "*Provided, however, That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue,*" so as to make the bill read.

*Be it enacted, etc., That the incorporated town of Juneau, Alaska, is hereby authorized and empowered to issue its bonds in any sum not exceeding \$100,000 for the purpose of purchasing a site for and for constructing and equipping and enlarging and repairing schoolhouses in said town.*

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Juneau, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said town of Juneau whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in such denominations as the common council of said town may designate, but not exceeding \$1,000 each. *Provided, however, That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than 5 years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer of the town of Juneau, Alaska, or at such other place as may be designated by the common council of the town of Juneau, the place of payment to be mentioned in said bonds: And provided further, That each and every such bond shall have the written signature of the mayor and clerk of said town of Juneau and also bear the seal of said town.*

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act, but may be used for enlarging the present school building. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed by the school board of said town under the limitations hereinbefore imposed and under the direction of said common council from time to time as the same may be required for the purposes aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 8466) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was announced as next in order.

Mr. CARAWAY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

#### FISHERIES EXPERIMENT, STATE OF WASHINGTON

A bill (S. 1266) authorizing the establishment of a fisheries experiment station on the coast of Washington, and fish-hatching and cultural stations in New Mexico and Idaho, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 5, to strike out "\$100,000" and insert "\$50,000," and on page 2, after line 5, to insert section 2, so as to make the bill read:

*Be it enacted, etc., That to aid in acquiring and diffusing among fishermen and those engaged in the fishery industries useful and practical information connected with the fisheries, the method of capture of fishes, the handling, curing, and preparing of fishery products, and the methods of utilizing fishery products heretofore unutilized or*

*wasted, and to conduct scientific investigations and experiments respecting the principles and application of science in relation to the fisheries, the Secretary of Commerce be, and he is hereby, authorized, empowered, and directed to establish a fisheries experiment station on a site to be selected by him on the coast of Washington: Provided, That the cost of said station, including the site, buildings, wharves, and other structures appertaining thereto shall not exceed \$50,000.*

SEC. 2. That the sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-hatching and fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, in the State of New Mexico, at a suitable point to be designated by the Secretary of Commerce: *Provided, That before any final steps shall be taken for the construction of a fish-hatching and fish-cultural station in accordance with this act, the State of New Mexico, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents, the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time they may consider necessary and proper, any fishery laws of the State to the contrary notwithstanding: Provided further, That the operations of said hatchery shall be discontinued whenever the State ceases to accord the right referred to in the preceding proviso.*

SEC. 3. That the sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-hatching and fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, in the State of Idaho, at a suitable point to be designated by the Secretary of Commerce: *Provided, That before any final steps shall have been taken for the construction of a fish-hatching and fish-cultural station in accordance with this act, the State of Idaho through appropriate legislative action shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: Provided further, That the operations of said hatchery shall be discontinued whenever the State ceases to accord the right referred to in the preceding proviso, and may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.*

The amendments were agreed to.

Mr. TRAMMELL. Mr. President, I offer an amendment to the bill, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. Add at the end of the bill the following:

That the Secretary of Commerce be, and he is hereby, directed to have made a survey of the natural oyster beds and barren bottoms contiguous thereto in waters within the State of Florida, and to make and publish a report of the results of such survey. That for such purpose the Coast and Geodetic Survey and the Bureau of Fisheries be, and are hereby, directed to expend, under the direction of the Secretary of Commerce, a sum not exceeding \$25,000, which said sum is hereby appropriated for the purpose of said survey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the establishment of a fisheries experiment station on the coast of Washington, and fish hatching and cultural stations in New Mexico and Idaho, and for other purposes."

#### GORDAN A. DENNIS

The bill (H. R. 2491) for the relief of Gordan A. Dennis, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Gordan A. Dennis, late of the Twentieth Infantry, shall be held to have been discharged honorably from the military service of the United States on May 5, 1909: Provided, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.*

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LOAN OF FRENCH GUNS TO WALLA WALLA, WASH.

Mr. JONES of Washington. Mr. President, on the table there is a House joint resolution which was reported this afternoon. It simply allows the city of Walla Walla to have



certain French cannon used by the battery just organized there. I ask for its present consideration.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 233) authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes, and it was read as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to loan the four French 155-millimeter guns with their carriages and all appurtenances thereto which are now in the city park at Walla Walla, Wash., to the city of Walla Walla without bond until such time as said guns may be needed for national defense.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF MERCHANT MARINE ACT

Mr. JONES of Washington. Mr. President, the other evening when the Senate reached Calendar No. 1283, the bill (S. 3896) to amend section 11 of the merchant marine act of 1920 and to complete the construction loan fund authorized by that section, the Senator from Tennessee [Mr. McKellar] objected to its consideration. I understand that the Senator has looked into the matter and will withdraw his objection.

Mr. McKELLAR. I have looked into the matter, and I desire to withdraw my objection for the reason that I do not want to leave any stone unturned to secure for our people a real American merchant marine. I think possibly this measure will help us in so doing.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Whereas authority was given the United States Shipping Board by section 11 of the merchant marine act, 1920, to establish a fund aggregating \$125,000,000, as a revolving fund to be known as the construction loan fund, to be used, under conditions therein prescribed, in aiding citizens of the United States in the construction of modern vessels in private shipyards within the United States, to be accumulated by setting aside out of revenues from sales and operations, \$25,000,000 annually, during a period of five years from the enactment of that act, during which period the revenues from sales alone exceeded \$125,000,000 in cash; and

Whereas the total amount set aside in the construction loan fund during the five-year period was \$67,740,499.58 only, excluding: (a) \$11,808,729, revenues from sales and operations, also set aside as a part of that fund, in cash, during the year 1923, but which was transferred therefrom to the United States Treasury, by direction of the Treasury Department, for technical reasons, notwithstanding revenues from sales and operations to the time the transfer was made exceeded the amount transferred; and (b) certain securities having an aggregate face value of \$18,464,177, by their terms due and payable subsequent to June 5, 1925, consisting of notes, letters of credit, and other evidences of debt taken by the board for deferred payments of purchase money for sales made on terms allowing deferred payments so as to effect sales and secure higher prices, which securities, however, the Comptroller General of the United States has ruled are not a part of the fund, on the ground that they were not converted into cash within the five-year period, notwithstanding the securities could have been sold within that period, but were not thus sold in order to save the United States the discount such sale would have involved; and

Whereas the construction loan fund is effective in promoting the policy declared in the first section of the merchant marine act, 1920, particularly the policy that the American merchant marine shall be ultimately owned and operated privately by citizens of the United States; Therefore, to the end that the construction loan fund may be completed to the amount originally authorized,

*Be it enacted, etc.*, That the first paragraph, being the paragraph marked "(a)," of section 11, of the merchant marine act, 1920, as amended by the act of June 6, 1924, be, and the same is hereby, amended to read as follows (the amendments made thereto by this act shall be retroactive to and effective as from June 5, 1920, the date of the original enactment of the merchant marine act, 1920):

"Sec. 11. (a). That the board may set aside, out of the revenues from sales and operations, including proceeds of securities consisting of notes, letters of credit, or other evidences of debt, taken by it for deferred payments on purchase money from sales by the board, or revenues from vessels controlled by the board, whether such securities are to the order of the United States or the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation, either directly or by indorsement, until the amounts thus set aside from time to time aggregate \$125,000,000. The amount thus set aside shall be known as the construction loan fund. The board may use such fund to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States

in the construction by them in private shipyards or navy yards in the United States of vessels of the best and most efficient type for the establishment or maintenance of service on lines deemed desirable or necessary by the board, provided such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines, machinery, and commercial appliances; or in the outfitting and equipment by them in private shipyards or navy yards in the United States of vessels already built with engines, machinery, and commercial appliances of the type and kind mentioned."

SEC. 2. The construction loan fund shall be a revolving fund. All repayments on loans from the fund shall be credited to the fund; interest on such loans, however, shall be paid into the Treasury of the United States as miscellaneous receipts. The proceeds of sales (including proceeds of evidences of debt for deferred payments on such sales) of any vessel or vessels in which since June 6, 1924, the board has had internal-combustion engines installed as the main propulsive power, shall be transferred and credited to the extent necessary to restore to the fund any and all amounts transferred therefrom under the provisions of section 12 of the merchant marine act, 1920, as amended by the act of June 6, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

#### OHIO RIVER BRIDGE AT LOUISVILLE, KY.

Mr. STEWART. I am directed by the Committee on Commerce, to which was referred the bill (S. 5083) to supplement the act entitled "An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city," approved April 2, 1926, to report it favorably with amendments, and I submit a report (No. 1424) thereon. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. McKELLAR. Let it be read.

The Chief Clerk read the bill, and the Senate, by unanimous consent, proceeded to its consideration.

The amendments were, on page 1, line 8, before the word "span," to strike out "through" and insert "fixed"; in line 9, before the word "span," to strike out "through" and insert "fixed"; and on page 2, line 3, before the word "lift," to insert the word "canal," so as to make the bill read:

*Be it enacted, etc.*, That the bridge authorized to be constructed over the Ohio River by the act entitled "An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city," approved April 2, 1926, may be constructed without a draw span and in lieu thereof a fixed span may be constructed. The vertical clearance of such fixed span, as well as the vertical clearance of the channel span to be constructed for high-water navigation, shall be not less than the vertical clearance of the canal lift span when raised to its highest position in the existing Pennsylvania Railroad bridge over the Ohio River at Louisville, Ky.

SEC. 2. The times for commencing and completing the construction of the bridge authorized by such act of April 2, 1926, are hereby extended one and three years, respectively, from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LIEUT. COL. HARRY N. COOTES

Mr. ROBINSON of Arkansas. I ask leave, for the Senator from Virginia [Mr. SWANSON], who is necessarily detained from the Senate, to report favorably from the Committee on Foreign Relations without amendment the bill (S. 4682) granting permission to Lieut. Col. Harry N. Cootes, United States Army, to accept certain decorations tendered him, and I ask for its present consideration.

Mr. REED of Pennsylvania. This is a Senate bill?

The PRESIDENT pro tempore. It is a Senate bill.

Mr. REED of Pennsylvania. As it is a Senate bill, I have no objection to its consideration.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

*Be it enacted, etc.*, That Lieut. Col. Harry N. Cootes, United States Army, be authorized to accept the decoration of the great silver cross of merit tendered him by the Republic of Austria, and the military cross tendered him by the Republic of Czechoslovakia, and that the Department of State be permitted to deliver the said decorations to Lieut. Col. Harry N. Cootes, United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMANDER JULES JAMES, UNITED STATES NAVY

Mr. ROBINSON of Arkansas. Also, from the Committee on Foreign Relations, for the Senator from Virginia [Mr. SWANSON], who is necessarily detained from the Senate, I report back favorably without amendment the bill (S. 4683) granting permission to Commander Jules James, United States Navy, to accept the decoration of the Legion of Honor tendered him by the Republic of France, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

*Be it enacted, etc.,* That Commander Jules James, United States Navy, be authorized to accept the decoration of the Legion of Honor tendered him by the Republic of France, and that the Department of State be permitted to deliver the decoration to Commander Jules James, United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SECOND PAN AMERICAN CONFERENCE ON HIGHWAYS

Mr. PHIPPS. Mr. President, the other evening Calendar No. 1322, the joint resolution (H. J. Res. 329) to provide for the expenses of participation by the United States in the second Pan American conference on highways at Rio de Janeiro, was passed over on objection. I suggest that it is a measure which should be passed. It has been shown that at previous conventions the industries of the United States have been very much aided by the attendance of our people, the exhibitions of machinery and the explanation of the manner in which we conduct highway construction. It has resulted in large sales of automobiles and other machinery in South America. The resolution provides that our people may visit the second Pan American conference to be held at Rio de Janeiro.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado?

Mr. FLETCHER. The next measure on the calendar provides for holding a Pan American conference at Lima, Peru.

Mr. PHIPPS. I am not familiar with that. It was not called to my attention.

The PRESIDENT pro tempore. The Senator from Colorado is referring to Calendar No. 1322, House Joint Resolution 329?

Mr. PHIPPS. That is correct.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. PHIPPS. I yield.

Mr. BRUCE. I want to ask the Senator if these conferences are to be held for public purposes? They are not just for commercial purposes?

Mr. PHIPPS. They are held for the interchange of information as much as anything else. The experience of former conferences has been that they are productive of great good, not only in the matter of holding conferences, but otherwise.

Mr. CARAWAY. May I ask the Senator who gets the information? He said there is an exchange of information.

Mr. PHIPPS. Our people experienced in highway construction, road building, automobile construction, and everything pertaining to transportation, get in touch with the representatives of these other countries. Ninety per cent of the information perhaps is given by our people to the representatives of the South American countries.

Mr. CARAWAY. Who goes down there? Who takes the information to the conference?

Mr. PHIPPS. The representatives of the Department of Agriculture and the Department of Commerce, as I understand it. The measure is recommended by the Secretary of Agriculture, the acting Secretary of Commerce, and the Secretary of State.

Mr. CARAWAY. How do we select these gentleman to go down there? Who selects them?

Mr. PHIPPS. The assistants in the different departments. We have a Bureau of Good Roads in the Department of Agriculture.

Mr. CARAWAY. Yes; I have heard of that bureau.

Mr. BRUCE. These men are not automobile sales agents?

Mr. PHIPPS. No; they are all Government employees.

Mr. CARAWAY. I believe I shall have to object to the present consideration of the measure.

The PRESIDENT pro tempore. On objection the joint resolution will be passed over.

HELIUM GAS

Mr. WADSWORTH. Mr. President, if we may go back to Calendar No. 1423, the bill (H. R. 15344) to amend the act enti-

led "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, and for other purposes," in order that I may have an opportunity to read from the statute creating the Department of Commerce, I am quite sure the Senator from Montana [Mr. WALSH] will withdraw his objection.

The PRESIDENT pro tempore. Without objection the Senate will return to the consideration of Calendar No. 1423.

Mr. WADSWORTH. Title 13 of the United States Statutes, section 675, contains this language:

That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post Office Department, the Department of the Navy, or the Department of the Interior, to the Department of Commerce and Labor.

That is the statute creating the Department of Commerce. The authority of the President is perfectly clear.

Mr. WALSH of Montana. Yes; I have that statute before me; but I can not agree that it is perfectly clear. I think it is perfectly clear that there is no such power. I have before me the act creating the Bureau of Mines, section 1 of which reads as follows:

That there is hereby established in the Department of the Interior a bureau, to be called the Bureau of Mines, and a director of said bureau—

And so forth. Section 4 reads:

That the Secretary of the Interior is hereby authorized to transfer to the Bureau of Mines from the United States Geological Survey the supervision of the investigations of structural materials and the analyzing and testing of coals, lignites—

And so forth. Section 12 of the act creating the Department of Commerce reads as follows:

That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work from the Department of State—

And so forth. Everyone realizes that the Bureau of the Census is one of the chief bureaus of the Department of Commerce. Indeed, it was one of the chief reasons for creating the Department of Commerce, so that the great work of the census would be for obvious reasons detached from the department with which it was associated. Now, other bureaus in other departments which are engaged in statistical or scientific work may be transferred; that is to say, bureaus in other departments which are engaged in collating statistics might be transferred over there to help out in the work of the Bureau of the Census. When we get "scientific" in immediate connection with "statistical" they are associated.

The Bureau of Mines does, indeed, do some scientific work, but that is only a very small part of the duties of the Bureau of Mines as defined in the statute:

Sec. 2. That it shall be the province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining—

No one would undertake to say that that is scientific work—especially in relation to the safety of miners.

Certainly that would not be classified as scientific work.

Mr. WADSWORTH. I would call it highly scientific.

Mr. WALSH of Montana. Then, of course, if we do that, all work is scientific work. Every inquiry then is scientific. The safety of men in the mines is a matter of the construction of elevators. It is a matter of the method of timbering the mines. It is a matter of the method of handling explosives so as to be the least likely to cause injury. Nobody can think of that kind of work as under the definition of scientific work.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BRUCE. As I understand it the Senator from Montana persists in his objection, does he not?

Mr. WALSH of Montana. I do.

The PRESIDENT pro tempore. Objection is made.

THE MERCHANT MARINE

Mr. NYE. Mr. President, I ask unanimous consent that the Senate return to Calendar No. 1377, the bill (S. 5463) providing for the consolidation of the functions of the Department of Commerce relating to navigation, to establish load lines for American vessels, and for other purposes, and I move to recon-



sider the vote by which the bill was ordered to a third reading and passed.

Mr. JONES of Washington. Mr. President, I am very sorry that the Senator from Wisconsin [Mr. LA FOLLETTE] wanted to have that bill go over, but, of course, I would not take advantage of his absence. I did not know that he was opposed to the bill. It is quite important, but I am perfectly willing that it should be reconsidered and take its place on the calendar.

The PRESIDENT pro tempore. Without objection, the vote will be reconsidered and the bill restored to its place on the calendar.

#### THE WORLD'S INORGANIC NITROGEN INDUSTRY

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The World's Inorganic Nitrogen Industry," by F. A. Ernst and F. S. Sherman, of the Fixed Nitrogen Research Laboratory, Bureau of Soils, Washington, D. C., as published in Industrial and Engineering Chemistry of February, 1927.

In this connection may I say to those who are interested in Muscle Shoals—and I suppose every Senator is interested in Muscle Shoals—and in the fixation of nitrogen, this is one of the most complete and instructive articles that I have ever read on the subject of nitrates, and I commend it to all Senators, including my friend from Arkansas.

Mr. CARAWAY. I presume the article bears out the theory of the Senator from Tennessee in reference to the subject?

Mr. McKELLAR. No; it does not; it does not bear out any theory.

Mr. CARAWAY. Then I presume it is not very valuable.

Mr. McKELLAR. Yes; it is very valuable.

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Is there objection to the request of the Senator from Tennessee?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE WORLD'S INORGANIC NITROGEN INDUSTRY<sup>1</sup>

By F. A. Ernst and M. S. Sherman, Fixed Nitrogen Research Laboratory, Bureau of Soils, Washington, D. C.

[From a study of the statistics as shown, there can be no doubt that the fixation of atmospheric nitrogen for agricultural and peacetime uses, as well as for war use, is here to stay. Not only does it appear that the products of such fixation can successfully compete with Chile nitrate, but also that atmospheric nitrogen is displacing and will continue, in a large and perhaps increasing measure, to displace Chilean nitrate. Of the three atmospheric nitrogen fixation processes, the position of major prominence held by the direct synthetic ammonia process can not be disputed. Not only is the production by this process far in excess of the combined production of the arc and cyanamide processes, but the capacity in the former case is being greatly increased, while no expansion in the two latter processes is anticipated. In fact, a part of the increase in capacity of the direct synthetic ammonia process is to displace cyanamide process capacity. Of the hydrogen required for the fixation of nitrogen, according to the direct synthetic ammonia process, 82 per cent is produced through coal, either from water gas or by-product coke-oven gas, as compared with 15 per cent by the electrolysis of water. The world is fast becoming less and less dependent upon Chile as its source of inorganic nitrogen, while several of the major nations have reached or are approaching the position of total independence of foreign sources of supply.]

It is now over 25 years since Sir William Crookes gave his warning of the possibility of the world facing ultimate starvation "within a comparatively limited time" because of its dependence upon the natural niter beds of Chile for its nitrogen supply. In taking heed to this warning the world has changed during this period from practically 100 per cent dependency upon Chile for its inorganic nitrogen supply to 30 per cent dependency.

Two sources of supply have been utilized in bringing about this change—coal and the atmosphere. It is true that by-product coke ovens were coming into commercial use even prior to the time of Sir William's statement, but at least that date marks the beginning of industrial research on the fixation of atmospheric nitrogen. As a result of a world consumption in 1925 of nearly 1,500,000 tons of inorganic nitrogen, 31 per cent was as Chile nitrate, 24 per cent as a by-product of the coke and gas industry, and 45 per cent as fixed atmospheric nitrogen.

#### CHILE NITRATE

Although Crookes placed the year 1921 as the limit to the commercial life of the Chilean deposits, and that time has now been passed,

<sup>1</sup> Received December 8, 1926. Statistics in this paper are compiled from International Institute of Agriculture, Rome, Italy; Reports of the Census Bureau and Bureau of Foreign and Domestic Commerce, United States Commerce Department; American Fertilizer Handbook; British Sulphate of Ammonia Federation; and for 1910-1919 War Department Ordnance Office Report 2041, "The Fixation and Utilization of Nitrogen."

the point of exhaustion is not yet in sight. In fact, but 2,240 square miles, or less than 3 per cent of the nitrate-bearing grounds, have been examined and the contents ascertained by excavations and test holes. Remaining in this relatively small area are some 250,000,000 tons of exportable nitrate. This is calculated on a caliche of at least 11 per cent nitrate of soda content and a layer not less than 1 foot in thickness. Further, in arriving at this figure 40 per cent has been allowed for losses in extraction, mining, and manufacture.

If the remaining 97 per cent of the nitrate-bearing grounds carry the same unit quantity of nitrate as the explored 3 per cent, the total exportable nitrate is nearly 9,000,000,000 tons. This quantity might further be increased because of the likelihood of the adoption of more efficient methods which will reduce the losses below 40 per cent and also permit of the use of lower grade caliche.

At the present rate of consumption of 2,500,000 tons per year the life of these explored deposits will be 100 years, while a much longer life can be assumed for the Chilean deposits if the total nitrate-bearing area is considered.

Although the scare of the early exhaustion of the Chilean deposits has long since passed, these deposits have been of steady decreasing importance as a source of supply. It is true that the present consumption of Chilean nitrate is practically the same as in 1910, but the total consumption of inorganic nitrogen has more than doubled during this period. While a consumption of 2,500,000 tons of Chile nitrate in 1910 represented 65 per cent of the total inorganic nitrogen consumption, a similar consumption in 1925 represented but 31 per cent of the total consumption.

In addition to the large increase in the production of ammonium sulphate, there appear to be two reasons for this percentage decrease in consumption: (1) the desire of the various major nations to become independent of foreign sources of supply, and (2) cost.

The war of 1914-1918 clearly pointed out the dangers of dependence upon Chile as a nation's source of supply of war-time nitrogen. Although Germany was completely shut off from Chile during the war with but a few converted freight and passenger ships, she prevented the exportation of saltpeter from Chile for several months during the early part of the war. This world blockade was so complete as to cause quite an alarming situation before it was broken. Even after the seas were cleared of these blockading ships a shortage of freighters for carrying nitrate was responsible for a continued tenseness throughout the war period. Germany, being completely shut off from Chile, made the most rapid progress toward self-sufficiency in nitrogen production, and has now become an exporting country. The other major countries, although not so hard pressed as Germany, nevertheless started on a construction program which has continued after the war toward the goal—"independence of foreign sources of supply."

Germany, largely through import restrictions, was able to continue her nitrogen program after the war uninterrupted. She was not forced to consider Chile nitrate competition. Domestic production in the other countries, however, has been in competition with Chile nitrate.

Hobbsbawn (Chile, vol. 1, No. 5, p. 205) gives the cost of Chile nitrate as of one of the better oficinas, as follows:

Per long ton of 96 per cent nitrate	
(A) Manufacture of nitrate.....	\$11.61
(1) Mining raw material.....	\$3.57
(a) Wages.....	\$3.00
(b) Explosives.....	.42
(c) Stores.....	.15
(2) Transport of raw material.....	2.41
By carts—	
(a) Wages.....	\$0.76
(b) Fodder.....	.85
(c) Stores.....	.24
By rail—	
(a) Wages.....	.28
(b) Fuel stores.....	.28
(3) Elaboration of raw material.....	5.63
Crushing, elevating, and conveying.....	
(a) Wages.....	\$0.192
(b) Power.....	.075
(c) Stores.....	.050
Leaching—	
(a) Wages.....	1.130
(b) Power.....	1.40
(c) Repairs.....	.280
(d) Fuel.....	2.230
(e) Stores.....	.208
(f) Water.....	.107
(g) General management.....	1.125
(B) Baggage and lading.....	1.86
(C) Railway freight to port.....	2.70
(D) Export duties.....	12.30
(E) Shipping charges.....	1.06
(F) Commission.....	.44
(G) Capital charges (investment, \$40 per annual ton of nitrate-producing capacity).....	7.60
Amortization, at 5 per cent.....	\$2.00
Interest, taxes, insurance, etc., 9 per cent.....	3.60
Repairs, additions, renewals, etc., at 5 per cent.....	2.00
Total, f. a. s. Chile.....	37.57

If the ocean freight charge is \$7.50 per ton, the cost f. a. s. port of consuming country is \$45. The September price at New York was \$2.36 per 100 pounds in bags, or \$52.86 per long ton. It is often necessary to

rebag the material at the port of entry. This cost must, of course, be added to the f. a. s. port-of-entry cost.

Hobbslaw believes that by the introduction of new methods of mining, leaching, and handling this cost can be reduced to \$23.06 per ton f. a. s. Chile, which with ocean freight at \$7.50 would bring the cost to \$30.56 per ton at the port of entry. Bain and Mulliken (Bur. Foreign Domestic Commerce, Trade Inf. Bull. 170), however, advise:

"It may be stated here that the present price of \$48 f. o. b. America seaboard could, by abandonment of taxes (upon which the Chilean Government is dependent), by improved methods, and by the narrowest margin of profits, be reduced to about \$35 per ton. This is not given as a probability, but the ultimate base figure which our fixed nitrates must meet before the Chilean industry will cease to function."

Although the United States has been consuming approximately 45 per cent of the total shipments from Chile, but 2.5 per cent of this exportation has, until 1925, been produced by Americans. The acquisition in 1925 of the Anglo Chilean Co. by the Guggenheim interests increased American-controlled producing capacity to 7 per cent of the total.

#### BY-PRODUCT AMMONIA

Fixed nitrogen as a by-product of the coke and gas industries is also dependent upon natural deposits of raw material—namely, coal. Although this source of supply is also limited, the danger of exhaustion is not imminent. According to Haslam and Russell (Fuels and Their Combustion, 1st ed., p. 87, McGraw-Hill Book Co., 1926), there are 4,302,214,000,000 tons of bituminous coal in sight. At the present rate of consumption, 85 per cent of this coal is used directly as such, while 15 per cent is coked. This latter is equivalent to 645,332,100,000 tons.

Each ton of this coking coal contains from 30 to 40 pounds of combined nitrogen. During the coking process 4 to 5 pounds of this are driven off and recovered as ammonia, while the remainder escapes as free nitrogen, either then or later during the combustion of the coke.

Of the total coal coked, in the United States, however, 20 per cent is processed in beehive ovens where the contained nitrogen along with other materials is lost. Thus, 80 per cent, or 515,265,680,000 tons, at the present rate of coking, would be processed in by-product ovens with the recovery of nitrogen. At the average rate of 4 pounds per ton, 1,030,531,360 tons of nitrogen will be recovered from this coal.

As this nitrogen is a by-product, the production is not particularly affected by the demand. It would not do to consider this source as a possible world source of supply. Improvements in coking may be realized which will permit of the recovery of a larger percentage of the contained nitrogen. There is also the possibility of additional quantities of coal being coked for the recovery of the valuable by-products, using coke instead of coal as fuel. In any case, however, the production of nitrogen is dependent upon the production of coke. At present the demand for coke comes from the steel industry and coke production follows almost parallel with that of pig iron.

Of 42,000,000 tons of coke produced in 1910 but 17 per cent was produced in by-product ovens, while in 1925 of a production of 51,000,000 tons nearly 40,000,000 tons, or 79 per cent, were produced in ovens permitting the recovery of the contained valuables, including nitrogen. The by-product oven production in 1925 was almost equal to the total coke production of 1910.

By the end of 1923 there were in the United States 11,156 by-product coke ovens built and 629 under construction, and 62,349 beehive ovens built and 68 under construction. As compared with the end of 1920 this shows an increase in by-product ovens of 275 built and 233 under construction, and a decrease in beehive ovens of 12,949.

The sale price of by-product sulphate has been fundamentally based on the price of nitrate of soda and secondarily upon supply and demand.

Since the war prices of both sulphate and Chile nitrate have come down approximately to the pre-war level. Since the value of the dollar at present is considerably less than before the war, nitrogen is relatively cheaper now.

#### FIXED ATMOSPHERIC NITROGEN

The third source of supply, the atmosphere, is by far the largest; in fact, it can be considered inexhaustible. The nitrogen of the atmosphere over every square mile of the earth amounts to about 20,000,000 tons. This alone, at the present rate of consumption, is enough to supply the whole world for 14 years. When it is considered that the earth's surface is some 200,000,000 square miles, the magnitude of this source of supply can be realized.

The fixation of atmospheric nitrogen might be divided into two general classes, natural and commercial.

Fixation according to the first class is through the lightning discharge. It is estimated (Report on the Fixation and Utilization of Nitrogen, War Department, 2041) that by this means 100,000,000 tons of nitrogen are fixed annually and carried to the earth's soil by precipitation of rain, snow, and hail. Unfortunately, this fixed nitrogen is not returned to the earth at the time and place most convenient to man, and he must resort to methods more under his control.

Commercial fixation may be considered as having started in 1903, when the first successful experiments were carried out in Norway by

Birkeland and Eyde. This method, known as the arc process, is the result of attempts to emulate the lightning discharge.

Although with a few small exceptions fixation by this process has been confined to Norway, and has never become a large factor in the world supply, nevertheless, it served as the pioneer, which was soon followed by the cyanamide process, and later by the direct synthetic ammonia process.

The atmospheric nitrogen fixation industry has enjoyed a rapid growth, stimulated no doubt by the war, but also later undoubtedly retarded by the effects of the war. From the small beginning of 1903 production increased to 9,000 tons for the year 1910, and over 600,000 tons for the year 1925. While this production in 1910 represented but 1.4 per cent of the total production, the 1925 fixed atmospheric nitrogen production, which was approximately equal to the total world nitrogen production of 1910, represented 45 per cent of the total 1925 production.

Of the 1925 production, but 41,000 tons, or 6.7 per cent, were fixed by the arc process, 188,000 tons, or 30.3 per cent, by the cyanamide process, and 390,000 tons, or 63 per cent, by the direct synthetic ammonia process.

The territorial distribution of this production by the various processes is shown in Tables I to III.

TABLE I.—Nitrogen fixation by arc process

Location	Annual capacity	Rate of production, 1925	Remarks
	Net tons	Net tons	
Rjukan, Norway.....	31,000	38,000	Product—calcium nitrate, sodium nitrate and nitrite, nitric acid.
Notodden, Norway.....	8,000		
Rhina, Germany.....	4,500	0	Being prepared for operation in near future with refrigerating system without use of organic refrigerants.
La Roche de Rame, France..	250	250	Product—nitric acid.
Patsch, Austria.....	1,000	1,000	Do.
La Grande, Wash., United States of America.....	300	300	Product—sodium nitrite.
Total.....	45,050	39,550	

TABLE II.—Nitrogen fixation by cyanamide process

Location	Annual capacity	Rate of production, 1925	Remarks
	Net tons	Net tons	
Germany:			
Piesteritz.....	35,000	15,000	Half of Piesteritz carbide furnaces being used for phosphoric acid production.
Trostberg.....	35,000	35,000	
Waldshut.....	12,000	8,000	
Knapsack.....	12,000	5,000	
France:			
Bellegarde.....	5,000	3,250	
Lannemezan.....	15,000	5,500	
Marignac.....	6,000	2,500	
Brignoud.....	6,000	3,000	
Modane.....	4,000	1,000	
Sisteron.....	5,000	0	
Carmaux.....	8,000	0	
Notre Dame de Briancon.....	4,500	0	
Italy:			
Terni.....	10,000	5,500	
Domodossola.....	3,500	1,000	
Ascoli Piceno.....	2,500	1,000	
San Marcel.....	1,000	500	
Switzerland:			
Martigny.....	2,500	2,500	
Japan:			
Osaka.....	20,000	20,000	This production is being largely converted into sulfate of ammonia.
Hokkaido.....			
Fushan.....			
Mandschuri.....			
United States:			
Muscle Shoals, Ala.....	40,000	0	Plant has never operated except for test run of 2 months.
Canada:			
Niagara Falls.....	25,000	25,000	Being consumed as cyanamide in mixed fertilizers in United States and also converted to cyanide and ammonia.
Yugoslavia:			
Sibenico.....	7,000	7,000	
Almisa.....	7,000		
Poland:			
Chorzow.....	30,000	17,000	
Czechoslovakia:			
Karlsbad.....	6,000	4,000	
Norway:			
Odda.....	15,000	4,500	Half being exported as cyanamide and half converted to ammonia.
Rumania:			
Ungar-Altenburg.....	5,000	3,000	
Sweden:			
Ljunga.....	3,000	2,500	
Alby.....	3,000	2,500	
Total.....	328,000	174,250	



TABLE III.—Nitrogen fixation by direct synthetic ammonia process

Location	Company	Method of operation	Yearly capacity	Source of hydrogen	Remarks
United States:			<i>Net tons</i>		
Syracuse, N. Y.	Atmospheric Nitrogen Co.	General Chemical Co.	7,750	Water gas.	Operating at a rate of 3,450 tons per year maximum hydrogen producing capacity.
Niagara Falls, N. Y.	Niagara Ammonia Co.	Casale <sup>1</sup>	7,000	Half by-product of chlorine manufacture, half electrolysis of water.	
Seattle, Wash.	Pacific Nitrogen Corporation	F. N. R. L.	865	Electrolysis of water.	It is expected that this plant will actually operate at a rate of 7,000 to 8,000 tons per year.
Belle (Charleston), W. Va.	Lazote (Inc.)	Claude <sup>1</sup>	6,350	Water gas.	
Niagara Falls, N. Y.	Mathieson Alkali Co.	Nitrogen Engineering Corporation.	2,880	By-product of chlorine manufacture.	Expected to be ready for operation by the end of year 1926.
Do.	Roessler-Hasslach Chemical Co.	F. N. R. L.	865	By-product of sodium manufacture.	
Peoria, Ill.	Commercial Solvents Corporation.	Nitrogen Engineering Corporation.	4,320	By-product of corn fermentation.	Expected to get into operation by December, 1926.
Pittsburg, Calif.	Great Western Electrochemical Co.	Mathieson Alkali Co.	300	By-product of chlorine manufacture.	
Germany:					
Oppau	Badische Anilin und Soda Fabrik.	Haber.	125,000	Water gas.	Plants being increased to capacity of 500,000 tons.
Merseburg		Fausser.	275,000	By-product.	
Piestertitz	Mitteldeutsche Stickstoffwerke A. G.	Fausser.	2,500	By-product.	Under construction.
England:					
Billingham-on-Tees	Synthetic Ammonia & Nitrates (Ltd.)	Haber at 250 atms.	14,400	Water gas.	Plant being enlarged to 55,000 tons, with further enlargements proposed.
Widnes	United Alkali Co. (Ltd.)	Casale.	3,000	By-product of chlorine manufacture.	Under construction.
France:					
Montereau	Société Chimique de la Grande Paroisse.	Claude.	1,500	Water gas.	Experimental plant.
Bethune	Compagnie des Mines de Bethune.	do.	6,000	Coke-oven gas.	Being enlarged to 18,000 tons.
St. Etienne	Houillères de Saint Etienne.	do.	1,500	do.	
Decazeville	Société de Commentry Fourchambault et Decazeville.	do.	3,000	do.	To be enlarged.
St. Aubon	Cie d'Alais Froges et Camarque.	Casale.	700	By-product from chlorine manufacture.	Under construction.
Henin Lietard	Ste. des Mines de Dourges.	do.	4,500	Coke-oven gas.	
Pont a Vendin	Ste. des Mines de Lens.	do.	7,000	do.	Do.
Henin Lietard	Cie des Mines de Vicoigne Noeux & Drocourt.	do.	4,500	do.	Do.
Anzin	Cie des Produits Chimiques Anzin Kuhlmann.	do.	7,000	do.	Do.
Carling	Ste. Houillères de Sorre et Moselle.	do.	4,500	do.	Do.
Soulom	Ste. des Engrais Azotes et Composés.	do.	15,000	do.	Do.
Toulouse	French Government.	do.	57,000	Water gas.	Do.
Firminy	Cie des Produits Chimiques de Roche LaMoliere.	do.	4,500	Coke-oven gas.	Do.
Italy:					
Terni	Societa Italiana Ricerche Industriali Siri.	do.	1,500	Electrolysis of water.	Half operating; half under construction.
Nera Montoro	Terni Societa per l'Industria & l'Elettrotecnica.	do.	9,500	do.	
Dalmazia	Societa Italiana Forze Idrauliche della Dalmazia.	do.	1,500	do.	Under construction.
Bussi	Societa Azogeno.	Claude.	15,000	By-product of chlorine manufacture.	Do
Vado	do.	do.	3,000	Coke-oven gas.	
Novara	Societa Piemontesse Ammonia (Montecatini).	Fausser.	5,750	Electrolysis of water.	Do
Merano	Montecatini.	do.	14,000	do.	
Mas (Belluno)	do.	do.	1,000	do.	To be enlarged soon.
Belgium:					
Ougree	Société Belge de l'Azote.	Claude.	4,500	Coke-oven gas.	Under construction.
Ostende	S. A. des Fours a Coke Semet Solvay and Piette.	Casale.	7,500	do.	
Willebroek	Société Evence Coppe.	Fausser.	10,000	Water gas.	Under construction.
Spain:					
Sabinanigo	Energia Industrias Aragonesas S. A.	Casale.	4,500	Electrolysis of water.	Do
Flix	Société Iberica del Nitrogeno.	Claude.	700	By-product of chlorine manufacture.	
Felguera	do.	do.	2,200	Coke-oven gas.	Do
Japan:					
Hikoshima	Suzuki & Co.	do.	3,000	Water gas.	Do
Nobeoka	Nippon Chisso Hiryo Kabushiki, Kaisha.	Casale.	9,000	Electrolysis of water.	
Do	do.	do.	10,000	do.	Do.
Minamata	do.	do.	21,500	do.	Do.
Poland:					
Knurow	Société Fermiere des Mines Fiscales de l'Etat Polonais.	Claude.	3,000	Coke-oven gas.	Do.
Czechoslovakia:					
Ignatz	Société Czechoslovakia d'Azote.	do.	4,500	do.	Do.
Switzerland:					
Viege	Usines Electriques de la Lonza.	Casale.	2,200	Electrolysis of water.	Do
Russia:					
Nijninogorod	Severnoy Chimicecky Trust.	do.	7,300	Water gas.	Do
Sweden:					
Junga	Stockholm Superfosfat Akt.	Fausser.	2,500	Electrolysis of water.	Do.

<sup>1</sup> Data on Claude and Casale plants given by those interests. It is believed that some of the Casale figures are for total installed capacity, including spare units. Capacities figured on 350 days operation per year.

Of this total operating and under-construction capacity of 700,000 annual tons of nitrogen by the direct synthetic ammonia process, 70 per cent is fixed with hydrogen secured through coal by the water-gas process, while only 15 per cent is fixed with hydrogen from the electrolysis of water. The hydrogen for the remaining 15 per cent is secured as a by-product of other industries, 12 per cent from by-product coke oven gas, and 3 per cent from chemical industries.

The nitrogen fixation industry is developing so rapidly, capacity and production figures are ever changing. New direct synthetic ammonia plants are being erected, plans are on foot for substituting direct

synthetic ammonia plants for cyanamide plants, and new developments in the direct synthetic ammonia process are being announced. By diverting the power now being used to fix the 40,000 tons of nitrogen as of the year 1925 by the arc process to the direct synthetic ammonia process, 100,000 tons of nitrogen could be fixed. One producer of cyanamide advises that "as a whole I think the production of cyanamide is at a standstill. The existing factories are probably used as far as possible, but no new factories will, in my opinion, be built, owing to the high production costs per ton of nitrogen compared with synthetic nitrogen." In parts of Europe, however, the market is still

good for cyanamide and it is likely this market will continue for some time.

The new developments of most note are the Mont Cenis direct synthetic ammonia process in Germany and the du Parc process in Switzerland. A plant of a capacity of 3 tons of ammonia per day is set up at Sodingen between Essen and Dortmund, Germany, for experimental work on the Mont Cenis process. It is claimed that at 98 atmospheres and 400° C. operation according to this method at commercial space velocities yields 20 per cent of ammonia in the effluent gases of the converter. It is believed the features of the process are the catalyst and method of gas purification. In Switzerland, Professor du Parc has worked up a catalyst rather than a process. Operating

at 25 to 30 atmospheres, 325° C., and with commercial space velocities a yield of 25 per cent of ammonia is claimed.

#### SURVEY OF CONDITIONS IN VARIOUS COUNTRIES

In addition to such work, a great deal of attention is being given to improvements of present processes and to hydrogen production. In this connection our oil and natural-gas fields are becoming the subject of considerable investigation. To give a clearer picture of the situation, a brief review of conditions existing in each of the principal nitrogen consuming and producing countries will be made. The data are summarized in Table IV. Consumption figures as shown are for apparent rather than actual consumption.

TABLE IV.—Nitrogen statistics  
[Expressed in net tons of nitrogen]

	1910	1913	1916	1919	1920	1921	1922	1923	1924	1925
<b>GERMANY</b>										
Domestic production:										
By-product ammonia.....	86,059	124,664	144,200	53,200	62,000	88,000	90,750	60,500	56,650	73,150
Fixed atmospheric nitrogen.....	4,108	11,550	166,980	142,768	147,520	206,900	256,300	273,900	300,500	374,678
Total production.....	90,167	136,214	311,180	195,968	209,520	294,900	347,050	334,400	357,150	447,828
Exports:										
Chilean nitrate.....	4,112	4,299	0	0	705	36	90	50	1,366	2,647
By-product ammonia.....	16,570	17,222	0	0	897	629	589	6,980	3,630	19,064
Fixed atmospheric nitrogen.....	0	6,366	0	0	5,164	2,437	3,761	22,240	21,658	61,800
Total exports.....	20,682	27,887	0	0	6,766	3,102	4,440	29,270	26,654	83,511
Imports:										
Chilean nitrate.....	128,990	133,179	0	13,602	5,381	41	5,403	1,937	1,985	4,208
By-product ammonia.....	6,901	7,860	0	34	32	23	409	73	191	73
Fixed atmospheric nitrogen.....	0	11,191	0	0	374	234	1,420	102	16	456
Total imports.....	135,891	152,230	0	13,636	5,787	298	7,232	2,112	2,192	4,736
Total consumption.....	205,376	260,557	311,180	209,604	208,541	291,996	349,842	307,242	332,688	369,053
<b>UNITED STATES</b>										
Domestic production:										
By-product ammonia.....	22,901	39,330	59,383	86,960	102,401	73,501	97,747	139,550	126,357	123,600
Fixed atmospheric nitrogen.....	0	0	0	276	270	200	740	5,910	11,110	13,050
Total production.....	22,901	39,330	59,383	87,236	102,671	73,701	98,487	145,460	137,467	136,650
Exports:										
Chilean nitrate.....	0	0	9,337	2,384	3,456	5,765	2,265	9,146	1,325	1,587
By-product ammonia.....	119	0	104	12,100	20,300	23,563	33,831	34,569	27,240	28,445
Fixed atmospheric nitrogen.....	0	0	0	0	0	630	514	1,240	1,620	2,180
Total exports.....	119	0	9,441	14,484	23,756	29,958	36,610	44,955	30,185	32,212
Imports:										
Chilean nitrate.....	92,457	109,351	212,867	71,200	230,480	66,249	94,581	155,468	171,800	193,920
By-product ammonia.....	19,022	13,481	2,991	542	459	1,075	1,123	813	1,381	2,294
Fixed atmospheric nitrogen.....	560	5,403	5,847	12,497	29,590	2,338	6,070	11,814	12,515	27,550
Total imports.....	112,039	128,235	221,705	84,239	260,529	69,662	101,774	168,095	185,796	223,764
Total consumption.....	134,821	167,565	271,647	156,991	339,444	113,405	163,651	258,600	293,078	325,566
<b>GREAT BRITAIN</b>										
Domestic production:										
By-product ammonia.....	85,490	99,814	100,064	89,470	94,280	59,760	81,600	99,700	93,880	97,500
Fixed atmospheric nitrogen.....	0	0	0	0	0	0	0	0	8,000	13,300
Total production.....	85,490	99,814	100,064	89,470	94,280	59,760	81,600	99,700	101,880	110,800
Exports:										
Chilean nitrate.....	1,244	1,859	127	38,494	8,283	134	2,176	593	954	830
By-product ammonia.....	65,412	74,510	59,808	24,950	31,100	26,580	42,380	56,820	56,450	59,402
Fixed atmospheric nitrogen.....	0	0	0	0	0	0	0	0	7,500	12,500
Total exports.....	66,656	76,369	59,935	63,444	39,383	26,714	44,556	57,413	64,904	72,732
Imports:										
Chilean nitrate.....	22,107	24,628	71,515	4,279	26,713	9,732	7,985	12,663	14,340	14,179
By-product ammonia.....	0	0	0	0	0	0	0	0	0	0
Fixed atmospheric nitrogen.....	2,610	5,958	22,115	7,536	8,100	1,900	3,600	4,200	5,300	4,720
Total imports.....	24,717	30,586	93,630	11,815	33,813	11,632	11,585	16,863	19,640	18,899
Total consumption.....	43,551	54,031	133,759	37,841	88,710	44,678	48,629	59,150	56,616	56,967
<b>FRANCE</b>										
Domestic production:										
By-product ammonia.....	13,220	16,917	5,677	10,197	11,330	11,783	14,690	20,001	22,530	23,200
Fixed atmospheric nitrogen.....	198	1,485	19,800	5,799	3,007	3,090	6,710	10,630	13,050	23,960
Total production.....	13,418	18,402	25,477	14,996	14,337	14,873	21,400	30,631	35,580	57,160
Exports:										
Chilean nitrate.....	807	904	2,028	72	401	1,194	658	1,707	1,883	536
By-product ammonia.....	190	261	335	67	199	890	2,736	1,499	1,513	1,843
Fixed atmospheric nitrogen.....	110	138	909	2	224	38	1,065	354	220	785
Total exports.....	1,107	1,303	3,272	141	824	2,122	4,459	3,560	3,616	3,164
Imports:										
Chilean nitrate.....	59,367	55,404	98,001	26,861	45,430	53,889	27,792	46,063	48,400	56,000
By-product ammonia.....	5,987	5,198	4,823	4,998	6,912	15,363	17,080	16,682	17,400	19,015
Fixed atmospheric nitrogen.....	85	1,652	1,318	1,264	2,313	1,460	1,560	4,983	13,322	14,900
Total imports.....	65,389	62,254	99,142	33,123	54,655	70,712	46,432	67,728	79,122	89,915
Total consumption.....	77,700	79,353	121,347	48,978	68,168	84,463	63,373	94,679	111,086	143,911



TABLE IV.—Nitrogen statistics—Continued

	1910	1913	1916	1919	1920	1921	1922	1923	1924	1925
<b>ITALY</b>										
Domestic production:										
By-product ammonia.....	1,625	3,049	3,406	1,482	1,818	1,263	1,760	1,850	2,130	2,600
Fixed atmospheric nitrogen.....	638	2,966	4,981	3,324	5,326	4,233	7,400	9,350	13,200	19,800
Total production.....	2,263	6,015	8,387	4,806	7,144	5,496	9,160	11,200	15,330	22,400
Exports:										
Chilean nitrate.....	17	11	0	0	9	94	0	0	21	12
By-product ammonia.....	0	0	0	0	0	0	0	0	0	0
Fixed atmospheric nitrogen.....	0	0	0	0	0	0	0	0	0	110
Total exports.....	17	11	0	0	9	94	0	0	21	122
Imports:										
Chilean nitrate.....	10,525	11,596	14,732	2,208	7,440	3,257	6,747	8,895	9,780	11,030
By-product ammonia.....	4,710	4,919	641	1,072	1,599	1,119	2,493	2,521	3,030	4,750
Fixed atmospheric nitrogen.....	0	0	0	0	0	0	324	2,064	6,448	8,240
Total imports.....	15,235	16,515	15,373	3,280	9,039	4,376	9,564	13,480	19,258	24,020
Total consumption.....	17,481	22,519	23,760	8,086	16,174	9,778	18,724	24,680	34,588	46,298
<b>JAPAN</b>										
Domestic production:										
By-product ammonia.....	253	1,816	8,675	16,995	18,100	18,373	19,100	19,000	19,560	20,003
Fixed atmospheric nitrogen.....	0	1,386	4,752	0	11,780	3,545	20,140	21,970	21,450	20,760
Total production.....	253	3,202	13,427	16,995	29,880	21,918	39,240	40,970	41,010	40,763
Exports, none.										
Imports:										
Chilean nitrate.....	2,422	4,597	7,916	11,275	21,032	3,123	9,075	11,500	6,925	6,550
By-product ammonia.....	15,764	25,315	1,626	22,939	16,337	17,952	21,025	33,010	33,130	19,912
Fixed atmospheric nitrogen.....	0	0	0	0	0	0	486	2,084	5,890	29,948
Total imports.....	18,186	29,912	9,542	34,214	37,369	21,075	30,586	46,594	45,945	56,410
Total consumption.....	18,439	33,114	22,969	51,209	67,249	42,448	69,826	90,564	86,955	99,363

**GERMANY**

Germany, the largest nitrogen consumer, is self-supporting. Not only is she supplying her own demands, but is now exporting practically as much nitrogen as her total 1910 domestic production. Of a consumption in 1910 of 205,000 tons, 66 per cent was supplied through imports of Chilean nitrate, while for the year 1925 not only was the total consumption of 370,000 tons produced domestically, as shown in Table IV, but 80,000 tons in excess of this demand were produced and exported.

The figures for the year show a domestic production in Germany of 450,000 tons of nitrogen, as compared with 430,000 tons exported from Chile. It is true that Chile is still by far the largest exporter, but here, too, it seems that Germany has an advantage which may alter that situation. Germany's supply is such that it can meet the demand for both nitrate nitrogen and ammonia nitrogen, which can further be supplied in various forms and in combination with phosphoric acid and potash. On the other hand, Chilean nitrate will probably always be supplied as Chilean nitrate or nitrate nitrogen.

Chile may continue to supply the world with 2,500,000 tons of nitrate yearly for some time to come, but it is unlikely that her exports will increase. In fact, some authorities expect a gradual decrease, and it is known that producers are viewing the situation with alarm. Germany, on the other hand, is carrying out her program of expansion and for 1926 will have total exports of, perhaps, double those for 1925.

The United States Bureau of Foreign and Domestic Commerce reports that quite a stir was caused among Chilean nitrate producers recently over the discharge at a Peruvian port in transit to Bolivia of 200 tons of German synthetic nitrate. Bolivia adjoins Chile and the report states that the Chileans were unprepared for such close competition.

The present program of construction will increase the capacity of the two plants, Oppau and Merseburg, to a total of 500,000 tons of nitrogen per year, while further plans, for which it is reported a large loan has been floated, will, when consummated, increase the capacity of these two plants to a total of 1,000,000 tons of nitrogen per year. Expansion, then, is taking place through the medium of the direct synthetic ammonia process. The by-product coke industry can be expanded but little, and it is not likely that any plants for additional cyanamide capacity will be erected. It is true that cyanamide is still in popular demand in Germany, but the present capacity can well take care of this demand. In fact, this year the producing capacity has been reduced by 15,000 tons of nitrogen by the use of half of the carbide furnaces of the Piesteritz cyanamide plant for phosphoric-acid production.

This is an indication of how closely the nitrogen interests, through the Stickstoff Syndikat and the I. G. are working together. The Badische Co., the operators of the direct synthetic-ammonia process, are erecting this phosphoric plant at the cyanamide plant of the Bayer Co. The method of Liljenroth is being installed. The metallic phosphorus produced at Piesteritz will be processed to phosphoric acid and hydrogen at Merseburg, where the hydrogen will be used for ammonia synthesis, while the phosphoric acid will be used in the production of

ammonium phosphate. The cyanamide capacity of the Piesteritz plant has thus been reduced from 35,000 tons of nitrogen per year to 15,000 tons.

It is further reported on good authority that the Knapsack plant is to fade from the nitrogen picture. This plant is to be used by one of the large German interests for other chemical purposes, which will render it no longer available for cyanamide production. Work on this project has already started.

Germany in working up an export market is not confining her activities to fertilizers and fertilizer materials. She is already cutting into the export refrigerating ammonia trade of the United States. The ammonia cylinders of the Badische Co. are now quite frequent in the Philippines and Cuba, and Badische ammonia is gaining a market in South America.

In becoming independent of Chile for its nitrogen supply, is the world going to become even more dependent upon Germany? Perhaps a study of the situation in some of the other countries will help to answer that question.

**UNITED STATES**

The United States, second only to Germany in inorganic nitrogen consumption, is the largest importer and Chile's best customer. By importing a million and a quarter tons of Chile nitrate, or half of the total exports from Chile for the year 1925, this country contributed through the export tax \$15,000,000 to the support of the Chilean Government.

It is seen from the table that 66 per cent of the inorganic nitrogen consumed in 1925 was imported and that 86 per cent of this importation was from Chile.

The atmospheric nitrogen industry is increasing, but the increase to date has been relatively slow. The years 1926 and 1927 will show a rather marked increase in production, however, and it is known that several companies have active plans for large installations.

It is reported that the Atmospheric Nitrogen Corporation, now operating the largest synthetic-ammonia plant in this country, is planning the erection of a 100-tons-per-day ammonia plant in Alabama in the vicinity of Sheffield. The product of this plant will presumably be fertilizers.

Lazotte (Inc.) has started into operation during the year its plant at Belle, W. Va., with a rated capacity of 25 tons of ammonia per day. The product of this plant will be distributed as far as possible to the refrigerating market by the du Pont National Ammonia Co. and the remainder oxidized to nitric acid. It is reported that the du Pont Powder Co. is erecting an ammonia oxidation plant at Repauno, N. J., for the conversion of 15 tons of ammonia per day to nitric acid. Plans have been worked out, and it is believed will be put into execution shortly, for the addition of another 25-ton ammonia unit to the Belle plant, with two additional such units proposed to bring the capacity of this plant to 100 tons of ammonia per day. This nitrogen should also find its way into fertilizers.

The German interests are known to be studying conditions in this country with a view of locating synthetic-ammonia fertilizer plants here. Whether such an operation should be complete in itself or in connection with other industries and interests is a question of this study.

There is no cyanamide production in this country, although the largest cyanamide plant in the world, United States Nitrate Plant No. 2, Muscle Shoals, Ala., is located here. This plant, built for war purposes, was operated only during a short-test run and has been maintained in idle standby since 1919. Offers for lease of the Government's Muscle Shoals properties, including this nitrate plant, now before Congress, call for the annual production of fertilizers or fertilizer materials containing up to 40,000 tons of nitrogen per year under certain conditions.

The American Cyanamid Co. operates a cyanamide plant at Niagara Falls, Canada. The greater part of its production finds its way into this country, either as cyanide or cyanamide. Part of this cyanamide is consumed in mixed fertilizers, the remainder being autoclaved to ammonia and disposed of as such or converted to ammonium phosphate for export. A portion of the ammonia is disposed of as liquid anhydrous ammonia, and so cyanamide ammonia is finding its way into the refrigerating trade. The market supplied is small and local to the producing plant at Warners, N. J. Ordinarily this would not be an economical operation, but in this case it is perhaps more economical to operate the cyanamide plant at full capacity and dispose, in whatever form possible, of the product remaining after the cyanide and cyanamide demands are filled than to run the cyanamide plant in part capacity with the attendant loss of power, which must be paid for even though not used. Further, it is understood that this company contemplates the erection of a synthetic-ammonia plant, and it is probably well to have a market ready for the plant when built. Whether this plant would be located at Niagara Falls at the site of the cyanamide plant and displace a part of that plant, or elsewhere, is not known.

#### GREAT BRITAIN

Although not a large consumer, Great Britain, with a domestic production already over twice her consumption, is following an active campaign of expansion. The by-product production for 1926 will show a decided decrease from the 1925 figures, because of the strike and consequent coal stoppage. This was but a temporary condition, however.

The plant of the Synthetic Ammonia & Nitrates (Ltd.) now producing at a rate of 60,000 tons of sulfate of ammonia per year, is being increased to 250,000 tons per year, at which rate it is expected to get into operation during the latter half of 1927. This increase in capacity is made possible through the sale of Government-assured bonds of the company. Very tentative plans are being made for additional enlargements of the plants beyond the 250,000 tons sulfate capacity.

The product of this plant is disposed of through the British Sulphate of Ammonia Federation (Ltd.). In fact, 90 per cent of the total production of Great Britain, as well as a large proportion of the output in Canada, India, and South Africa, is represented by this federation.

Exports from Great Britain for 1925 increased some over the year 1924, and must undergo a large increase to take care of the proposed increased production. At the same time, the German production will be increasing at a greater rate than the domestic consumption. However, it is not believed that there will be a trade conflict between these two countries in nitrogen exports, as it is known that an agreement has been reached by the British Sulphate of Ammonia Federation (Ltd.) and the Stickstoff Syndikat covering sale of nitrogen materials. The sales propaganda of these two organizations is creating a demand in India, China, and other countries of the Orient which, it is thought, will exceed production according to the present program of enlargement.

Great Britain's 1925 exports exceeded those of 1924 by some 8,000 tons of nitrogen. There was a falling off of exports to Japan of about 50,000 tons of sulphate, but an increase in exports to Spain of a like amount offsets this. The tendency of powdery neutral sulphate to cake is the reason given for the loss of this 57 per cent of Great Britain's Japanese trade. Exports to Belgium and Holland fell off 10,000 tons of sulphate, while exports to France increased 8,000 tons; to Italy, 3,000 tons; and to Egypt and the Canary Islands, 5,000 tons of sulphate.

A second synthetic ammonia plant in England is that of the United Alkali Co. The ammonia product of this plant will be oxidized and the resulting nitric acid used in the chemical industry.

There is no cyanamide industry in Great Britain, and it is believed that by-product ammonia production capacity will increase but little.

#### FRANCE

The consumption of nitrogen in France, like domestic production, is on the increase. The mines and coke ovens of northern France destroyed during the war have now practically all been restored and are operating. As reconstruction replaced old and obsolete equipment with the latest ovens, operation is more efficient and production has increased over the pre-war period. Some of the many cyanamide plants erected during the war are still in operation and there is a fair demand for cyanamide in France. No new plants are being built and it is doubtful if any are contemplated.

Upon completion of the program of construction already under way, France will have a direct synthetic ammonia capacity of 116,700 tons

of nitrogen per year. This will rank France second only to Germany in the production of fixed atmospheric nitrogen. The only large plant contributing to this total is that of the French Government at Toulouse, which is to be of 57,000 tons of nitrogen per year capacity. It is reported that construction on this project which had actually started has been somewhat suspended, due to financial stringencies in France. This, however, is but a temporary setback and plants for a continuation of the work are under way.

Hydrogen is to be produced for the Toulouse plant through the water-gas process. Of the remainder of the 116,700 tons capacity, 57,500 tons are to be operated on hydrogen from by-product coke-oven gas.

It is to be noted that in the three countries of greatest development—Germany, England, and France—coal is depended upon as the means of hydrogen supply.

#### ITALY

Although not a large consumer, Italy has been increasing steadily in nitrogen consumption at a rate of from 15 to 25 per cent each year over the preceding year for the last five years. Domestic production has kept pace with this increased consumption, so that through these years, although imports increased, the domestic production for each year amounted to about half the consumption.

Italy has practically no coal and, hence, by-product ammonia production can not be expected to show much, if any, increase. For the same reason the cyanamide process must have but a short future life in that country, and similarly the direct synthetic ammonia process, although on the increase and due for even further expansion, will never make the enormous strides necessary to keep pace with Germany, England, France, and perhaps the United States.

Coal and coke for the operation of the cyanamide process are imported. Italy, however, has good water-power resources, and it is because of this that the direct synthetic ammonia industry is prospering. The necessary hydrogen is produced by the electrolysis of water.

The plant listed in the table as located in Dalmatia, although an Italian plant, is located on the Yugoslavia coast of the Adriatic Sea. This plant when in operation will consume power heretofore used in the production of cyanamide.

In addition to the Fauser plants listed in Table III as operating or under construction, the following plants are projected: One at Coghinas, Sardinia, of 5,000 tons of ammonia annual capacity; and one at Cotrone, Calabria, of 10,000 tons of ammonia annual capacity. Both these plants are to operate on electrolytic hydrogen.

#### JAPAN

Japan, like Italy, does not possess extensive coal deposits, but has large water-power resources which lend themselves to low-cost development. The table shows that 60 per cent of the Japanese consumption has been imported. Although she has always been an importer of nitrogen, chiefly in the form of sulphate of ammonia, she is now working on a program of fixation-plant construction which will make her independent of foreign sources of supply.

Production according to the cyanamide process has been carried on for several years by the Nippon Chisso Hiryo Kabushiki Kaisha (Japan Artificial Nitrogenous Manure Co., Ltd.). This company is now, however, as is shown in the table of direct synthetic ammonia plants, operating or erecting direct synthetic ammonia plants of a total annual capacity of 40,000 tons of nitrogen. As production at these plants is accomplished, production at the cyanamide plants is curtailed, until shortly the cyanamide industry in Japan will be an operation of the past. This company is further planning for the erection of a plant of 20,000 tons of nitrogen or 100,000 tons of sulphate of ammonia per year at Chosen (Korea).

In addition to this synthetic ammonia capacity the Dai Nippon Jurge Hiryo Kaisha (Great Japan Artificial Fertilizer Co.) is completing plans for the erection of a plant at Toyama having a capacity of 25,000 tons of sulphate of ammonia annually, while the Denki Kagyo Kaisha (Electro-chemical Manufacturing Co.) is planning to erect a plant for the production of 30,000 tons of sulphate of ammonia annually.

With the plants now operating, those under construction, and those actively planned, Japan's annual synthetic ammonia production will be the equivalent of 74,000 tons of nitrogen. This, with her 20,000 tons by-product production, will give a total domestic production of 94,000 tons, exclusive of any cyanamide. This is but 5,000 tons less than her 1925 consumption.

The Japanese Government Department of Commerce and Industry is erecting a direct synthetic ammonia plant and sulphate of ammonia plant of 4 tons of sulphate per day capacity for experimental purposes.

#### NORWAY

The electrical power required to fix 1 ton of nitrogen by the arc process is sufficient to fix 4 tons by the direct synthetic ammonia process, assuming that the hydrogen is to be secured by the electrolysis of water. It may be with this in mind that the Norsk Hydro Co. of Norway, is turning to the direct synthetic ammonia process. This company has let a contract to the Nitrogen Engineering Corporation, of New York City, for the design, construction, and erection of a synthetic ammonia plant to be located at the site of its arc process plant at Notodden, Norway.



The Norsk Hydro Co. is now consuming 40,000 kilowatts at Notodden and 200,000 kilowatts at Rjukan for the annual fixation of 35,000 tons of nitrogen by the arc process. By the direct synthetic ammonia process this company could fix 140,000 tons of nitrogen with the same power. With the low cost of power and with the arc process plant's capital cost paid off, the production cost of nitric acid is very low and it is not likely the direct synthetic ammonia process will completely replace the arc process. Present plans call for a synthetic ammonia plant of a yearly capacity of 3,800 tons of nitrogen. The product of this plant will be used with nitric acid of the arc plant for the manufacture of ammonium nitrate.

## SWEDEN

As there is practically no demand for cyanamide in Sweden, the domestic production of nitrogen is exported and nitrogen for consumption is imported. To remedy this condition the Stockholm Superfosfat Fabriks, the company operating Sweden's two cyanamide plants, is planning for the erection of a direct synthetic ammonia plant and appurtenant conversion plants for fertilizer production. For this work the company is seeking a loan of three to five million kronen. Although the operation of the cyanamide plants will probably be continued as long as there is an export market for cyanamide, it is known that this company believes that the future for cyanamide is not bright, and to stay in the business it must turn to the direct synthetic ammonia process for its fixed nitrogen.

## SPAIN

Spain, but a small consumer of nitrogen, is showing the effects of sales propaganda, not only by its comparatively large increase in imports but also in its activity in domestic production. With three direct synthetic ammonia plants operating, it is reported that others are contemplated, and methods of operation of the by-product coke ovens are being improved for better production.

A United States Commerce Department bulletin states that, following representations made by leading agriculturists and by the principal Spanish chamber of agriculture, the Spanish import duty on calcium cyanamide has been reduced by royal decree to a nominal figure.

## BELGIUM

With the starting into operation of the Casale plant at Ostend in October, 1926, Belgium has operating direct synthetic ammonia plants with a capacity of 55,000 tons of sulphate of ammonia per year. Her by-product production for 1925 was 95,000 tons of sulphate. Although a small country, Belgium is a very large per-acre consumer of fertilizer and so has a relatively large total consumption.

## OTHER COUNTRIES

Although normally small consumers of nitrogen, synthetic ammonia plants are now being constructed in Poland, Czechoslovakia, and Russia. Such plant erection, it is believed, is not so much because of agricultural necessity as of military preparedness. As in the case of other European plants, the principal conversion product of these plants is to be nitric acid.

## BILLS PASSED OVER

Mr. SMITH. Mr. President, I ask unanimous consent to return to Calendar No. 1345, the bill (H. R. 10735) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes.

Mr. McNARY. Regular order!

The PRESIDENT pro tempore. The regular order is demanded. The call of the calendar under Rule VIII is in order. The clerk will state the first bill on the calendar under Rule VIII.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as first in order.

Mr. FESS. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. BRATTON. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the

violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. FESS. Let that bill go over.

Mr. CAPPER. Mr. President, I had intended to move to take up that bill, but the senior Senator from Utah [Mr. Smoot], who is very much interested in it and wishes to discuss it, has asked that it be passed over for to-night. At a future date, however, I shall ask that the bill be taken up for consideration.

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). The bill, being objected to, will be passed over.

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry in the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that bill go over.

Mr. JONES of Washington. The senior Senator from Utah [Mr. Smoot] asked that that bill might go over, and I therefore shall not ask that it be taken up in his absence.

The PRESIDING OFFICER. The bill will be passed over.

## RETIREMENT OF DISABLED WORLD WAR OFFICERS

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

Mr. TYSON. I move, notwithstanding the objection, that the Senate now proceed to the consideration of the bill.

Mr. ASHURST. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Tennessee moves that, notwithstanding the objection, the Senate proceed to the consideration of the bill. The Senator from Arizona asks for the yeas and nays on the motion.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to my colleague the senior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

The roll call was concluded.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is absent on account of illness. If he were present, he would vote "yea."

Mr. BRATTON. My colleague the senior Senator from New Mexico [Mr. JONES] is absent on account of illness. If he were present, he would vote "yea" on this question.

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. DU PONT], who is absent. I believe he would vote as I have voted. Without knowing definitely how he would vote, however, I transfer my pair with him to the Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. McKELLAR (after having voted in the affirmative). I have a pair with the Senator from Ohio [Mr. WILLIS]. I understand that, if present, he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. MOSES (after having voted in the affirmative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He is not in the Chamber, but I understand that, if present, he would vote as I have voted. I will therefore permit my vote to stand.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness. If he were present, he would vote "yea."

The result was announced—yeas 44, nays 4, as follows:

## YEAS—44

Ashurst	Ferris	McKellar	Robinson, Ark.
Blease	Fess	McMaster	Robinson, Ind.
Bratton	Fletcher	McNary	Sheppard
Bruce	Glass	Means	Shortridge
Cameron	Hale	Metcalf	Smith
Capper	Hawes	Moses	Stephens
Caraway	Hefflin	Neely	Stewart
Curtis	Howell	Nye	Trammell
Dale	Jones, Wash.	Oddie	Tyson
Deneen	Kendrick	Pine	Walsh, Mass.
Edwards	Keyes	Ransdell	Wheeler

## NAYS—4

Lenroot	Phipps	Reed, Pa.	Wadsworth
NOT VOTING—47			
Bayard	Gerry	La Follette	Simmons
Bingham	Gillett	McLean	Smoot
Borah	Goff	Mayfield	Stanfield
Broussard	Gooding	Norbeck	Steck
Copeland	Gould	Norris	Swanson
Conzens	Greene	Overman	Underwood
Dill	Harrelld	Pepper	Walsh, Mont.
du Pont	Harris	Pittman	Warren
Edge	Harrison	Reed, Mo.	Watson
Ernst	Johnson	Sackett	Weller
Frazier	Jones, N. Mex.	Schall	Willis
George	King	Shipstead	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3027) making eligible for retirement under certain conditions officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. WADSWORTH. Mr. President, I think on two prior occasions I have addressed the Senate on this bill. To-night I do not expect to repeat the arguments which I attempted to make on those other occasions, but merely to state the purpose of the bill, so that it may be understood by those who have not read it or studied it.

The purpose of the bill is to provide pensions for emergency officers of the World War, in the event that they have been disabled to the extent of 30 per cent or more, in accordance with their rank rather than in accordance with the severity of their disability. In my judgment, if passed, the bill will inject into our pension system a principle which is extraordinarily unhealthy, undemocratic, and one which in the end will be demoralizing; for be it remembered that if a major lost an arm, for example, in war he will draw as a pension, if this bill shall pass, three-fourths of the active pay of a major for the rest of his life, while if a second lieutenant lost an arm he will draw three-fourths of the active pay of a second lieutenant for the rest of his life, which is only about one-third of the active pay of a major, and the enlisted man will continue under the present compensation system provided for in the World War veterans' act and will be compensated or pensioned in accordance with the severity of his injury, as contrasted with the officers, who are to be compensated in accordance with their rank. Thus a caste distinction will be injected into our pension system, and we might as well face it here and now.

I have taken occasion, Mr. President, to obtain a list of former emergency officers who are now employed in the Veterans' Bureau, either here at Washington or at its regional offices scattered over the country, who have been rated at 30 per cent in the matter of disability as the result of injuries sustained in the war. I have that list before me. I shall not read the names, but I have the rank of every such officer, the compensation he is now receiving for his injury, the salary he is drawing from the Government as an employee of the Government, and the pay or pension which he would draw if this bill should pass. Perhaps, quoting some of the figures may be of interest to Senators who have not worked out this problem.

I find that a certain major who is employed in the central office is drawing a salary of \$4,500 a year from the Government and at the same time is drawing \$64 a month as compensation for his war injuries. If this bill shall pass, instead of drawing \$64 a month he will draw \$187.50 a month for the rest of his life. Yet he is able to earn \$4,500 as a Government official.

I find a captain who is drawing \$4,000 a year. He is also drawing \$67 a month as compensation for his injury. If this bill shall pass, he will receive \$150 a month for his injury as contrasted with the amount received by the major, who will receive \$187.50 a month for his injury; and the two injuries are alike in their severity.

I find a lieutenant colonel who is drawing a salary from the Government of \$5,157 per year. He is drawing compensation of \$32 a month for a war-time injury. That indicates that his disability is slightly in excess of 30 per cent. He would come in under this bill. Instead of \$32 a month he will draw \$218.75 a month for the rest of his life.

Mr. President, the mere statement of that situation ought to open the eyes of Senators to what this bill means. He will draw that large monthly pension of \$218 not because his injury is severe as compared to the injuries of other people—because it is only slightly in excess of 30 per cent—but because he has been a lieutenant colonel, and therefore draws three-fourths of the active pay of a lieutenant colonel for the rest of his life.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WADSWORTH. I do.

Mr. McKELLAR. I am wondering if the Senator could give us the number of retired Army officers who are also earning in their private capacity considerable sums.

Mr. WADSWORTH. I have no such list.

Mr. McKELLAR. There are a great many engaged in other businesses.

Mr. WADSWORTH. There are very few of the retired officers of the Army who earn a living worth mentioning outside of their retired pay. Occasionally we will find one; but the overwhelming majority of them have to struggle through the rest of their lives on their retired pay.

That is the case of a lieutenant colonel.

Mr. TYSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. I yield.

Mr. TYSON. I have a case from the Senator's own State, the case of Lieutenant Colonel Gardner, who before the war was making \$20,000 a year as an attorney in New York, and now he is drawing \$1,200 a year.

Mr. WADSWORTH. I am acquainted with Colonel Gardner, and a great admirer of that soldier. He was a very excellent officer in the New York National Guard, and, of course, I regret exceedingly the misfortune that has come to him. His disability is a serious one; but I can not see why he should get more for that disability, he being a lieutenant colonel, than a first lieutenant should get for the same disability.

Mr. ROBINSON of Indiana. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WADSWORTH. I yield.

Mr. ROBINSON of Indiana. The Senator from New York has no objection to a lieutenant colonel receiving more pay in time of war than a first lieutenant, has he?

Mr. WADSWORTH. Not at all.

Mr. ROBINSON of Indiana. Why would not the same situation be just for those who were injured in time of war for the rest of their lives?

Mr. WADSWORTH. Mr. President, in time of war Army pay is supposed to be graded in accordance with the responsibility of the recipient of the pay. That has nothing to do with pensions after the war is over.

Mr. ROBINSON of Indiana. The same thing holds good with the Regular Army officer of the same rank who receives additional pay for additional responsibility.

Mr. WADSWORTH. The Senator may think so.

Mr. ROBINSON of Indiana. Why should he receive more after he retires in the regular service than a first lieutenant, if the Senator's argument is consistent?

Mr. WADSWORTH. The Senator is tempting me to endeavor to repeat all the arguments I made on that point on a former occasion. I am not sure that they are worth repeating; but the retirement system in the Regular Army bears no relation or resemblance to a pension system among volunteer or emergency soldiers—none at all.

Mr. President, I find here a captain who is drawing \$4,000 a year from the Government. Apparently he is something like 70 per cent disabled. He will get \$150 a month for that disability instead of the \$70 a month that he is getting now.

I find here a first lieutenant who is drawing \$4,400 a year from the Federal Government, and \$28.50 in compensation for his war-time injury. Instead of the \$28.50, he will get \$125 a month for his war-time injury, and yet he is able to do \$4,400 worth of work for the Government every year. I think we are getting these things a little out of balance.

Mr. ROBINSON of Indiana. Mr. President, all of that holds good with reference to retired Army Officers of the Regular service. Why should it be any different with an emergency officer who, as suggested by the Senator from Tennessee [Mr. Tyson], was earning \$20,000 a year when he volunteered and went into the service to serve his country? Now, since the war is over, he is so thoroughly handicapped that he can not earn any money at all in his regular vocation, and must depend on the very slight compensation he receives.

Mr. WADSWORTH. I remind the Senator from Indiana that the law prohibits a Regular Army retired officer drawing any pay from the Federal Government in excess of \$2,500 a year. This officer is getting \$4,400.

Mr. ROBINSON of Indiana. That may be true, but they have every opportunity to work elsewhere and get as much for their services as they can; and they do it, as a matter of fact.

Mr. WADSWORTH. Very few.

Mr. ROBINSON of Indiana. One major general, that I know of, has been engaged in lucrative employment recently, making



more than he ever made in the service, and still draws his retired Army pay.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. LENROOT. Is it not true that there are a great many privates, who are totally disabled, who had large earning capacity before they were disabled?

Mr. WADSWORTH. Why certainly; hundreds and hundreds.

Mr. LENROOT. And yet nothing is proposed to be done for them.

Mr. WADSWORTH. Not a thing for privates.

Mr. ROBINSON of Indiana. These very enlisted men that the Senator from Wisconsin suggests are in favor of this bill, understanding its justice; and the American Legion has gone on record for it, and the soldiers' organizations, year after year, because they have examined it carefully. Again, following to its logical conclusion the statement of the Senator from Wisconsin, why should not all men who go into the service in time of war serve for exactly the same pay, if there is any merit in the Senator's argument? They do not do it, and it is recognized that it is proper that they should not; they should have the same rights that the Regular Army has; and that is all we are asking for in this legislation.

Mr. WADSWORTH. Mr. President, to indicate how unevenly this thing will work as the result of using rank as the standard instead of using the severity of the injury as the standard in the payment of pensions, I call your attention to the case of a second lieutenant who to-day is drawing \$76 a month compensation for his war-time disability. This bill will raise him only \$93 a month. He is over 70 per cent disabled; and the bill, generous as it is, generally speaking, will increase his compensation by only \$17; but when it comes to the lieutenant colonel who is only 32 per cent disabled, it increases his compensation from \$32 a month to \$218 a month. Where is the justice in that?

Mr. ROBINSON of Indiana. If the Senator will yield, there are only 1,800 persons, all told, who will get any benefit from this legislation.

Mr. WADSWORTH. The number involved does not affect the principle.

Mr. ROBINSON of Indiana. No; of course; and the principle is the same with the Regular Army as it is with the emergency officer, if this bill becomes a law.

Again, Mr. President, if the Senator will permit an additional interruption, enlisted men can retire from the service, and do, and they receive their pro rata, whatever the retirement pay amounts to, and they do not receive as much as a lieutenant colonel of the regular service. Why should they not all receive the same?—enlisted men in the regular service and commissioned officers in the regular service retiring, if the Senator's argument has any merit?

Mr. LENROOT. Mr. President, will the Senator yield at that point?

Mr. WADSWORTH. I yield.

Mr. LENROOT. I should like to ask the Senator from New York whether the officers of the Spanish-American or Civil Wars received greater disability compensation or pension than the enlisted men?

Mr. WADSWORTH. They did not for the Spanish War, and do not to-day, according to my best recollection. There may be some exceptions. I think they do for the Civil War.

Mr. MEANS. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. MEANS. I do not like to prolong the discussion, for it looks like a case of talking against time; but, with all due consideration to the ability of the Senator, I want to say to him now that there never has been, prior to the World War, a retirement bill or a pension for disability received in line of duty alone that was not based upon rank—not only the Civil War, but the Spanish War. It is not a new thing, but it has existed since we have had pensions or retirement, where the injury was received during the service, in line of duty; it has always been based upon rank.

Mr. LENROOT. Mr. President, will the Senator permit me to ask him a question?

Mr. MEANS. Yes.

Mr. LENROOT. Does any officer of the Spanish War or Civil War to-day receive a greater disability pension than an enlisted man?

Mr. MEANS. The Senator is asking now about a pension, not disability incurred in line of duty. They all come under the general law which we just passed, which gives them more; but I say to the Senator again that there is a difference between a pension because of service and a pension because of injury received in line of duty.

Mr. LENROOT. I will put the question in this way: Does any officer of the Spanish-American War or the Civil War receive greater compensation to-day than does an enlisted man of the Spanish-American or Civil War?

Mr. MEANS. He does not receive greater pension, because the pensions now are all based upon injuries, whether in line of duty or without. The only bills that we have ever had which allowed compensation or pension for injury received in line of duty, I repeat, have been based upon rank. There is no other bill.

Mr. ROBINSON of Indiana. Just another word, Mr. President.

The PRESIDING OFFICER. Does the Senator from New York further yield to the Senator from Indiana?

Mr. WADSWORTH. I yield.

Mr. ROBINSON of Indiana. This is not a pension. I object to the suggestion of the Senator that this is a pension. This is a retired pay for one who suffered his disability in line of duty, in line of action.

Mr. WADSWORTH. Mr. President, if this is not a pension, I do not know what a pension is; call it what you will.

Mr. ROBINSON of Indiana. Would the Senator call retired pay of officers of the Regular Army a pension?

Mr. WADSWORTH. No. That is an entirely different proposition.

Mr. ROBINSON of Indiana. Then, this would not be a pension. They are exactly alike and based on the same scale.

Mr. WADSWORTH. I am trying to avoid a repetition of the very discussion which I have indulged in at least three times on the floor of the Senate in an effort to distinguish between retired pay in the Regular Army and this proposal. To my mind, they are on an entirely different basis. Perhaps I might just as well go into the matter, because the Senator has asserted again and again that there is no difference at all.

Mr. President, we did not have a retirement system for the Regular Army until about the time of the Civil War. Either during that contest or just after it, as I recollect, the Congress passed an act establishing the retirement system. Primarily, that act was to preserve the efficiency of the Regular Army. The fate of the officers in it was secondary. Its primary purpose was to increase and preserve the efficiency of the Regular Army. It was found that without some method of taking officers off the active list, those at the top in the Army would be of such an age that they would be utterly unsuited for war; and, indeed, I recollect that when the Civil War came along Gen. Winfield Scott was the ranking officer of the United States Army. I think he was over 80 years of age.

He was on the active list. There was no provision of law in that day to take him off the active list. He stayed on it as long as he lived, as did every other officer; but it became apparent to the Congress as soon as the Great War started that such a situation as that prevented efficiency. The primary purpose of the retirement system is to get the old men off the active list and let the young men hold the commands.

The other purpose of establishing a retirement system in the Regular Army was to encourage a young man to go into the service at the lowest rank, where the law provides he must go in, the rank of second lieutenant; to give up all chance of making a fortune in some business or in some profession; to devote his life to the military service at a pay notoriously low when one considers his education and his talents. He is told, in other words, that if he will go into the Regular Army in the grade of second lieutenant—this also applies to the Navy in exactly the same way—and will stay there until he is 64 years old, or until he has had 40 years of commissioned service, he will be retired at three-quarters pay, or if at some time during his service he is wounded he will be retired for physical disability. And, mind you, the physical disability necessary for the retirement of an Army officer is in nearly every case far greater than 30 per cent. There is many a man in the Regular Army to-day who under Veterans' Bureau computation as to disabilities would pass with over 30 per cent; but, depending upon the nature of his injury, he is still regarded as fit for duty in the Army. There are some injuries he may sustain, such as injuries to eyesight or to hearing, which, when it comes to passing upon his availability or eligibility for continued active service in the field, would be rated higher, perhaps, than they would be rated by the Veterans' Bureau, because the Veterans' Bureau ratings are based upon the occupation of the officer before he went into the Army, and his disability is computed with respect to his ability to return to his former avocation.

That situation does not exist in the regular service at all. The Regular Army officer has no former avocation. He goes into the service as a man of 21 or 22, in the grade of second lieutenant. He is asked to enter at a very small pay, to con-

tinue on all his life, with a sort of contract handed him providing that if he serves faithfully he will be taken care of in his old age.

The retired pay of a Regular Army officer is in a very true sense deferred compensation or salary. It is not a pension, in the sense that it is a reward or compensation for injuries. All these cases are cases of compensation for injuries, and in that sense they are in truth pensions, just as Civil War soldiers get compensation for injuries and we call them pensions; just as the enlisted men of the World War get compensation rated on a percentage basis and they are really pensions.

This bill is an attempt to fix the retired-pay schedule, the schedule of pay of the Regular Army, and use it as a device to increase the pensions of these men, and it will increase their pensions solely in accordance with their rank, and with no relation whatsoever to the degree of their disability, how much they suffered, what sacrifice they made. No one can tell me that this lieutenant colonel who is rated at 32 per cent disability has sacrificed anything like what the second lieutenant has who is rated at 70 per cent. Yet it is proposed to give the lieutenant colonel \$218 a month and the second lieutenant only \$93 a month. That is common sense.

I say this proposal is unjust; it is undemocratic; it can not be defended before any body of former soldiers who are told how this bill works out.

I have heard from many members of the American Legion who, having read some of the debates on this bill on former occasions, state that when they, as members of a Legion post, permitted a resolution endorsing this bill to go through, they had no idea it worked this way, that they were utterly opposed to it. One man cited an instance, in a letter I have received, of men of his own acquaintance, two men in his home town, and he carried it out and applied to them the provisions of this bill, and illustrated how brutally unjust it would be.

Two young men of equal education work in the same bank. Both go into the service at the beginning of the World War. One goes to an officers' training camp. The other is not ambitious to get a commission. He goes either as a volunteer or in the draft as an enlisted man. The boy who goes to the training camp is commissioned finally as an officer. He may rise during the war to the rank of captain. The boy who went in the ranks may rise to be a first sergeant of his company in a combat unit. Both those boys lose their right hands. The captain will get \$150 a month for it, and the first sergeant will get something like \$75 a month for it. How can that be defended? You are rewarding the captain because he is a captain, and, by comparison, you are punishing the sergeant because he is a sergeant.

I think it will be a calamity if a measure of this sort is made a part of the permanent pension system of this great country. I know that systems like this prevail in other countries, but so do caste systems prevail in those other countries. We have no caste system in this country yet. This bill establishes a caste system. It prefers rank. The higher the rank, the greater the pension. The lower the rank, the less the pension, and the enlisted man who may have made just as great a sacrifice as the captain, who may have come from a family endowed with all the advantages the captain's family was endowed with, who may have been a graduate of law school along with the captain, gets from one-third to one-fourth as much pension as the captain gets for exactly the same injury.

I have read the details of some of these cases to the Senate, cases taken from the records of the Veterans' Bureau, identifiable cases, showing a lieutenant colonel raised from \$32 to \$218 a month for a comparatively trifling injury, and a second lieutenant for a fearfully severe injury is raised only \$18 a month by this very bill.

Mr. President, I know full well that upon two occasions the Senate has passed a similar bill, and upon three occasions the Military Affairs Committee has reported it. I voted against it upon every occasion in that committee, and voted against it upon two prior occasions here in the Senate, as I shall do on this occasion if it reaches a vote.

I do not think it is any betrayal of confidence to say, however, that as this proposal is studied more and more, as has been the case during the last three years, Senators are opening their eyes to what it means. That is illustrated by the fact that, while three years ago there were only three members of the Military Affairs Committee opposed to it, and 10 or 12 for it, at the last session this bill was reported from the Military Affairs Committee by one majority.

I am not talking here to delay a vote. I have discussed this measure so many times here that I would feel guilty in attempting to detain the session any longer.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. LENROOT. The Senator is making some comparisons. I would like to ask him whether it is true that a private with a 30 per cent disability receives \$30 a month?

Mr. WADSWORTH. Approximately \$30 a month.

Mr. LENROOT. If this bill goes through, a captain with a 30 per cent disability will receive \$150?

Mr. WADSWORTH. \$150 a month.

Mr. LENROOT. Or five times as much as the private?

Mr. WADSWORTH. Five times as much, for the same injury.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to a further question?

Mr. WADSWORTH. I yield.

Mr. REED of Pennsylvania. Suppose that private were exceptionally good, and had performed exceptionally meritorious service, and had risen to the distinction of being a first sergeant of his company, or of his troop, or of his battery, and was 30 per cent disabled, how much would he get?

Mr. WADSWORTH. Thirty dollars, and the captain would get \$150 for the same rating.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. NEELY. The Senator has stated that this is an undemocratic measure, because under it a maimed general will receive more compensation, for instance, than a similarly maimed second lieutenant will receive. Does the Senator think it was undemocratic to pay the general more than was paid the second lieutenant when both were sound in body?

Mr. WADSWORTH. I do not. The pay we give to officers and soldiers is based upon the varying degrees of responsibility, which they must carry.

When we give pensions to men we are not paying them for responsibilities they are asked to carry while receiving the pensions. Relative responsibility means nothing and has no place in our consideration when we are rewarding men or compensating men for injuries or pensioning them for injuries. Of course, we pay General Pershing more than we would pay a buck private. We have to do it. That is true in all undertakings. It may seem an exaggerated case. Of course, I do not know. There are probably one or two former general officers drawing compensation for injuries sustained in the service, but, somehow or other, Senator, I like to know that they are not drawing any more pay than the buck private draws. I do not know whether that appeals to the Senator or not.

Mr. NEELY. It ought to appeal to me. I have been a buck private and I have never been a general.

Mr. WADSWORTH. The Senator has nothing on me in that regard.

Mr. NEELY. I congratulate the Senator from New York upon his having been an enlisted man, and beg leave to ask another question. Is the able Senator of the opinion that it is not undemocratic to pay a whole general more than we pay a whole lieutenant while they are in the service?

Mr. WADSWORTH. Yes.

Mr. NEELY. Then why is the Senator not willing for us to pay three-fourths of a retired general more than we pay three-fourths of a retired second lieutenant?

Mr. WADSWORTH. Because we are not paying three-fourths of a general for any services he is rendering. We are paying him a pension for an injury he has received. His services are over.

Mr. NEELY. Certainly they are; but at the time he was rendering those services we were paying him more than we were paying the second lieutenant.

Mr. WADSWORTH. Because he was rendering more service.

Mr. NEELY. And because he held a more responsible position.

Mr. WADSWORTH. Yes.

Mr. NEELY. If both have been entirely incapacitated, why is it not fair to assume that the one who was worth more immediately before he was injured has suffered a greater loss than the one who was worth less at the time he sustained his injury?

Mr. WADSWORTH. Let us work that out.

Mr. NEELY. I should be glad to learn the Senator's solution of the problem.

Mr. WADSWORTH. Let us bring it down to ourselves and see how we would feel. Who suffers the most in losing an arm, a general at 60 years of age or a second lieutenant 25 years old? I say the second lieutenant suffers the most.

Mr. NEELY. Does the Senator mean physical pain?

Mr. WADSWORTH. No; not the physical pain, but in the injury of prospects in life.

Mr. NEELY. But we have established precedents here by providing pensions for the widows of generals and Presidents



four or five times greater than we ever provided for the widows of privates.

Mr. WADSWORTH. I think probably the Senator exaggerated a little when he said four or five times.

Mr. NEELY. I am at least on the right track. [Laughter.]

Mr. WADSWORTH. My recollection is that the Civil War widows of the advanced class—that is, those who were married during the Civil War itself—get \$50 a month, as we amended the law last year.

Mr. NEELY. I accept whatever the Senator says on that subject, because he is quite familiar with it.

Mr. WADSWORTH. The law provides that the widow of the Regular Army officer shall get \$30 a month.

Mr. NEELY. How much does the widow of a general receive?

Mr. WADSWORTH. Thirty dollars a month. Often it is true we pass special bills in the case of some widow who is in such destitute circumstances that the Congress feels in common decency we ought to enable her to live her life out in the possession of ordinary creature comforts. I have never known a widow's pension in a case of that kind to exceed \$150 a month. A lieutenant colonel under the pending bill would get \$218 for a 30 per cent injury.

Mr. NEELY. Or three times as much as is paid the widow of a private?

Mr. WADSWORTH. Yes; three times as much. The Senator said four or five times as much.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. WADSWORTH. I yield.

Mr. REED of Pennsylvania. The matter of the relief of the widow seems to me to introduce a new and interesting point.

Mr. WADSWORTH. That will come later. Some bill will come along later for the widow.

Mr. REED of Pennsylvania. If this bill should pass, what would happen to the widow of an officer after that officer's death? Would the retired pay continue for her benefit?

Mr. WADSWORTH. It would not. May I call the Senator's attention in all seriousness to another effect of the bill? The bill takes out of the compensation system of the Veterans' Bureau all those officers who have been disabled to the extent of 30 per cent. They no longer will draw compensation on the percentage basis. They will get this flat retired pay. Mark you, this is a very substantial increase. It is a multiplication all the way from two to five times in amount. But when they die their widows will have no right to the compensation now provided for them under the World War veterans' act. The men will die uninsured to that extent. The men will die, leaving their widows without any protection to that extent. I do not think that one emergency officer out of ten has looked into this thing and worked out its possibilities. Of course, the 1,500 officers who are to be beneficiaries of the act are very strongly for it. I do not blame them. But I wonder if those 1,500, or at least those of them who are married, have told their wives about it, because when they die their retired pay stops and the widows get nothing. The Senator from Pennsylvania can tell us how much such a widow would get if the present law is not disturbed.

Mr. REED of Pennsylvania. Between \$80 and \$100, depending upon the number of children.

Mr. WADSWORTH. She is assured of getting from \$80 to \$100 a month under the existing law, the World War veterans' act. If this bill goes through she gets nothing after her husband's death. There is a matter of policy for the Senate to consider. I do not think we ought to pass such a bill. I do not think it has been thought of by those who have with such enthusiasm urged its enactment.

During the last three years, as I have traveled about and met veterans, both former officers and former enlisted men, I have found that as they come to understand the bill they appreciate the very grave dangers incident to its passage.

Mr. REED of Pennsylvania. I made a misstatement a moment ago as to what the widow would get. It might range as high as \$80, but if the widow were without any children she might get as little as \$30.

Mr. WADSWORTH. At least she would get something.

Mr. REED of Pennsylvania. That is the very minimum.

Mr. WADSWORTH. From \$30 to \$80, which is about the same pension that the Civil War widow now gets. It is in the same range. As a matter of fact, if we look through our pension laws and the compensation law for World War veterans, we will find that, whether by accident or design, we have just about leveled off and made the adjustments as to pensions or compensation for the Civil War, the Spanish War, and the World

War so nearly equal that we are treating all our injured veterans alike. This bill would break the picture.

Mr. WALSH of Massachusetts. Mr. President, I would like to ask the Senator from Pennsylvania if it is not a fact that the law provides \$30 a month for the widow alone and \$40 for the widow and one child, and \$6 for each additional child.

Mr. REED of Pennsylvania. Thirty dollars a month is the minimum. At the present time there are 7,066 widows who are receiving total monthly payments of \$210,600. There are that many widows without children. They average about \$30 a month if they have no children at all.

Mr. WALSH of Massachusetts. I understood it was \$40 for the widow and one child and \$6 per month for each additional child.

Mr. REED of Pennsylvania. Mr. President, like the Senator from New York I have spoken several times on the bill and, like him, I hesitate to repeat myself, but I feel so deeply upon the principle which the bill involves that I am going to ask the Senate to bear with me for a short time while I state my reasons.

May I say that it is not a pleasure to oppose the bill? Many of the soldier organizations to which I have the honor to belong have passed resolutions in its favor, some of them against it. Most soldiers do not know what is in the bill and do not know why we oppose it. Most of them, I believe, would oppose it if they knew what it means. But it is quite true that the average veteran of the last war thinks that the bill would confer an additional benefit on some of his comrades and therefore he is for it without reading a line of it.

Mr. President, in the World War the United States organized its Army on democratic lines. It did it more admirably than has ever been done in the organization of an army in an English-speaking country. It has not been so long ago, measured in the history of the world, since being an officer in an army came to men as a matter of right from their birth. Under the feudal system which obtained in England it was the duty of the lord of some manor to have a group of his servants, his feudal servants, appear with him and under his command whenever his prince called for military service. It followed as a matter of course that the lord of the manor was socially the superior of those he commanded. They were little better than slaves.

The caste which prevailed marked him off sharply from the men who fought under him. That idea carried down, long after the feudal system was abolished, into our Revolutionary War, when commissions were granted largely as a matter of caprice, partly upon political influence, and principally because the commissioned officer had enough money to arm and equip a company or a regiment to serve under him. Then it went on into our Civil War and into our Spanish War, when we all know that commissions were granted largely through political influence. In the Spanish War there were thousands of commissions granted for no better reason than that the commissioned officer had influence with the governor of his State.

In England, as we all know, commissions were bought and sold as suits of clothes are bought and sold in the United States to-day. A man became a lieutenant in the Horse Guards, for example, because his wealthy father put up a sufficient number of hundreds of pounds to buy the commission from some one already in the army and blessed with the king's commission to command. No wonder there was a caste system. No wonder that men came to think and all the world came to think as a matter of course that there was a social personal superiority in the officer over his men.

Now, for the first time in history, in 1917, we rose above that. We recognize the fact that the ancestors of all of us were commoners when they came to this continent. Very few of them had flowing in their veins the blue blood of the aristocracy of any country, and those of us now who do have it have too much sense to pride ourselves upon the fact, because we realize that essentially men are equal and that the equality of opportunity which our system of government guarantees to them puts the stamp of hypocrisy on any effort to set one group of men off as a better caste than the other.

In 1917 we organized the Army for the first time on democratic lines. Of course there had to be rank. There had to be corporals commanding privates. There had to be colonels commanding the regiments. Of course, there had to be, just as in any football team there has to be a quarterback to call out the signals and tell the team what to do next, just as the catcher on the baseball team signals for the kind of ball he wants and the places he wants his infield to play. But does anybody suppose that that fact of momentary authority gives to the person vested with the authority a personal superiority over the rest of the team?

So it was in our Army. It is a matter as to which we can all feel the keenest pride. The men who went to France, privates, captains, colonels, were equal in mind and there was not any caste whatever.

We have carried that through into our veterans' legislation, and all of us, I think, felt a pride when that was done. It did not occur to those of us who saw war-time officers here in Washington, who saw the second lieutenants in the Quartermaster Corps and in the Ordnance Department, with their clanking spurs, and messing each day at the Shoreham or the Willard Hotel, that they should be vested with any superiority over the first sergeants of the line companies of infantry and the first sergeants of the batteries of artillery who were at the front in France. We realized, I think, that it took a whole lot more of a man to be a top sergeant in a line company or a line battery than it did to be a second lieutenant clerk in some department in Washington; and yet, if this bill goes through, mark you, we say to the enlisted man, notwithstanding his heroism, notwithstanding his character, his strength, his bravery, that he is an inferior kind of a human being to the second lieutenant of the Quartermaster Corps, who sat at a desk in Washington.

And among the officers the bill makes great distinctions. Understand at the present moment there are on the Veterans' Bureau rolls drawing compensation 8,327 officers of the World War. This bill, should it become a law, will benefit only 1,618 of them. Eighty per cent of those officers will get nothing from the bill; they will be left classed with the enlisted men, drawing the same kind of compensation, but 1,618 out of the 8,327 will be put in a different class.

See what that will mean. If I, a major, had a finger cut off or got it infected opening a tin can of beef in the war and lost the finger my compensation under existing schedules will be \$20 a month for the remainder of my life; and if I were a little more clumsy and infected and lost two fingers, the second and third fingers, my compensation would be the same.

Mr. WADSWORTH. The disability being less than 30 per cent, compensation would be drawn under the veterans' compensation act.

Mr. REED of Pennsylvania. Being less than 30 per cent, I am put back into the second class and counted with the riffraff, the enlisted men, and I get \$20 per month under the World War veterans' compensation act. However, should I be so fortunate or unfortunate as to lose a third finger on the same hand, then my compensation under this bill would be \$2,250 per year, as against \$240 per year for the one finger.

Let us consider another example. In the early part of the World War the most spirited of our young men hastened to enter the service. The training camps did not open until the 15th of May, 1917. There were literally hundreds of our best young men who enlisted in order to get in even more quickly than that. The first regiment of the Marine Corps, for example, which went to France included the very pick and flower of the young men of America; and yet, if you please, under this bill they would be relegated to an inferior class in favor of some officer, commissioned no matter how much later, simply because the one had rank and the other had not. The other might have had a noncommissioned status, won with great bravery, but nothing is given him for that; only the commissioned rank will count.

It has been said that the privates who served in the Army, the enlisted men, are all in favor of this bill. I send to the desk and ask unanimous consent to have read at this time a letter addressed to me by the president of the Private Soldiers' and Sailors' Legion of the United States.

The PRESIDING OFFICER. If there be no objection, the letter will be read. The Chair hears none.

The legislative clerk read as follows:

NATIONAL HEADQUARTERS  
PRIVATE SOLDIERS AND SAILORS' LEGION  
OF THE UNITED STATES OF AMERICA,  
Washington, D. C., January 30, 1925.

Hon. DAVID A. REED,

United States Senate, Washington, D. C.

MY DEAR SENATOR: The Private Soldiers and Sailors' Legion most earnestly protests against the adoption of a bill now before the Senate (S. 33) providing for the retirement of disabled emergency officers on terms identical with those which accompany the retirement of officers of the Regular Army.

This proposed measure is grossly discriminatory against the enlisted men. It is only in rare and most unusual circumstances that Regular Army officers are retired until they have served extended terms.

It should be further pointed out that this assurance of retirement and protection for officers who become incapacitated in the service of their Government is absolutely essential to the maintenance of a high

efficiency among the Regular Army officer personnel. When men enter the profession of arms, to make it their life work, they must have reasonable assurance that when they are no longer fit for that service or any other the Government will stand between them and financial want.

For emergency officers, some of whom served but brief terms with the colors, to ask for treatment on a parity with that of officers of the Regular Army seems to this organization of enlisted men to be highly inappropriate to say the least.

Were the bill now before your honorable body to become law, an emergency officer with the rank of captain who is 30 per cent disabled would receive from the Government for the remainder of his life a fixed income of \$200 per month.

As the law now stands all disabled veterans of the World War, other than officers of the Regular Army, are entitled to compensation on an equal basis, without discrimination as to rank. A former captain 30 per cent permanently disabled, and a former private 30 per cent permanently disabled, are each entitled to compensation from the Veterans' Bureau at the same rate—\$24 a month—subject always to revision by the Veterans' Bureau, but the former captain, suffering no greater disability, would become entitled to three-fourths of a captain's pay and allowance for life, amounting to something over \$200 a month, and not subject to any revision if this bill should become a law.

On the other hand, the emergency officer has something for which he has not paid and to which he is not entitled.

It may be pointed out in this connection that when they entered the war the status of the officer and enlisted man may not have been markedly different. It may even be that the officer suffering 30 per cent disability may be in every respect better able to care for himself than the enlisted man.

The bill does not provide that those who served bravely and well, or that those who made unusual sacrifices or suffered unusual hardships shall be correspondingly rewarded. It provides that those who were officers shall be rewarded because, and only because they were officers. We served under these officers, and we know that their service as such, compared to the services of the enlisted men, do not entitle them to any special preferment.

Why, then, should the Government, through any mistaken idea of its duty to its emergency officers, discriminate against them in a manner that would be discriminatory against the millions of enlisted men who had hoped that classes that were necessary during the warfare would disappear when peace was restored?

We further direct your attention to the recent action of your honorable body on the so-called "bonus" bill with the object of pointing out to you that in preparing this measure there was no thought of discriminating between officers and enlisted men.

Indeed, it has been urged throughout the long-continued discussion of the bonus subject that officers, for reasons that seemed obvious, should not be included in legislation that ostensibly sought only to measurably compensate the soldiers for economic losses sustained during—and not after—the war.

May we say that to the enlisted man the loss of an arm, leg, eye, or some other vital member is just as vital, just as disabling, as would be the loss of a similar member by an emergency officer?

This bill (S. 33) if enacted into law will eventually cost the Nation millions of dollars and add to the already overburdened taxpayer.

The war is over and men are to-day rated neither as officers nor enlisted men. Those who were disabled are simple citizens, entitled to the most generous consideration that the Nation can give them.

But this consideration, when bestowed, should be upon a basis of absolute equality. The distinctions they obtained during the war disappeared when the emergency Army was demobilized.

We assert that there is warrant neither in justice nor fairness for the discrimination that is proposed by a bill that establishes a difference in the dispensation of governmental relief to those who serve it to their best ability and at their serious physical sacrifice.

The adoption of this bill is being urged by the controlling officials of the American Legion and the Veterans of Foreign Wars, all former officers, but the opinion of the enlisted personnel of these organizations, as far as this bill is concerned, has never been sought. On the contrary, the men assuming to voice the opinion of the enlisted membership of the American Legion and the Veterans of Foreign Wars have never dared inform their members of the purpose of this bill, or of their activities in support of it. We know enough of the attitude of former enlisted men to justify us in saying that the enlisted membership of both of the American Legion and the Veterans of Foreign Wars is practically unanimously opposed to the adoption of this bill. Our membership is a unit in opposing it.

The Private Soldiers and Sailors' Legion earnestly appeals to your honorable body not to give its approval to a measure that would be provocative of widespread dissatisfaction and discontent, and which would be a complete and emphatic denial of that equality which is the cornerstone of our Republic.

Respectfully submitted.

MARVIN GATES SPERRY,  
National President.



Mr. REED of Pennsylvania. Mr. President—

Mr. TYSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. TYSON. I should like to ask the Senator from Pennsylvania if he knows how many members there are in the organization which is called the Private Soldiers and Sailors' Legion.

Mr. REED of Pennsylvania. No, I do not know.

Mr. TYSON. I should like to ask the Senator further if he knows whether the writer of the letter is not the same man who was investigated by a House committee and who served a term in the penitentiary in California for embezzling funds in connection with the sale of pencils for the benefit of disabled soldiers, the proceeds of which he pocketed?

Mr. REED of Pennsylvania. I never heard that suggested until this moment, Mr. President.

Mr. TYSON. I think I can produce evidence to that effect. I will see if I have it in my files.

Mr. REED of Pennsylvania. I wish to say, Mr. President, I do not agree with Mr. Sperry's protest against this measure on account of its cost. The enactment of this bill would cost the United States about a million and a half dollars. That does not seem important when the Nation is paying, as at present, \$450,000,000 a year in relief to veterans of the last war alone. I would not for one moment object to the increase of that sum by a million and a half dollars, but it is the discrimination to which I object, and the giving of it to some and not to all.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED of Pennsylvania. I yield.

Mr. WADSWORTH. With respect to the Senator's statement as to the cost, it is true that this bill as reported from the committee will not cost much in excess of \$1,500,000 annually, but the Senator must remember that the Senator from Maine [Mr. HALE] has an amendment, which I am certain will be adopted if it reaches a vote, including all naval reserve officers who have not thus far been retired and making them eligible under the same conditions.

Mr. HALE. If that shall be done, the amount involved will be \$375,000.

Mr. WADSWORTH. Let me ask the Senator from Maine if he would also include marine reserve officers?

Mr. HALE. I have included both marine and naval reserve officers in the amendment.

Mr. REED of Pennsylvania. Mr. President, I have letters of protest from disabled marine officers and disabled naval officers because of the fact that the bill as now drawn does not include them; and if, as seems just to me, the bill should be amended to include also noncommissioned officers of the Army on some basis that will give them a similar compensation, then, of course, we can not tell how great the cost will be.

Mr. President, I do not know about the record of the private soldier who wrote the letter just read at the desk, but here is another letter from a disabled private who is in the hospital at Oteen, N. C. The letter is addressed to me, and this is what he thinks about the bill that the Senate is now asked to pass:

Why should a small class, because they were lucky enough to hold commissions granted during the confusion and stress of war, be placed on easy street the remainder of their natural lives while the great majority of their comrades in the struggle are endowed with no such subsidy?

This is not a tirade against officers. The officers as a whole were splendid types of men and did their job thoroughly in the war. But did they do any more thoroughly and any more wholeheartedly than the men in the ranks? Then, too, officers in war and officers in peace are two different matters. Military discipline necessitates a certain amount of caste system, but civil life does not, and why place a premium upon a Prussian military system of caste which does not belong to the civilian life of America and is opposed to all the democratic ideals and institutions of the American people?

There can be but one conclusion as concerns the Bursum emergency officers' bill—it is unfair. It is unfair to the officers because it seeks to place them in an unpleasant position—the position of seeming to enjoy unfair advantages over their comrades in arms. It is unfair to the enlisted men because it is a rank discrimination against them both as a class and as individuals.

That is from a private who is still lying in a hospital in Oteen, N. C., suffering from a war-time disability; and do you blame him for objecting to so much larger compensation to the officer who was injured so much less than himself?

This major, with his second and third fingers missing, is going to receive more than twice as much as the first sergeant

with a broken back. Can you justify that, Mr. President, by any system of philosophy?

Private soldiers with war-time injuries, the loss of limbs, or, like one poor devil I saw over here in a hospital in Evergreen, with both arms blown off by the explosion of a shell and both eyes blown out at the same moment—that man will get less than his major with two fingers off. Can you in all humanity justify such a system? And remember how these officers, the few who will be benefited by this bill, got their injuries, most of them.

We have been so liberal in the veterans' legislation that we have provided that any insanity, any tuberculosis, any sleeping sickness, any paralysis occurring within five years after the armistice shall be conclusively presumed to be related to war-time service; and the second lieutenant who worked here in Washington, and suffered no graver peril than of indigestion from overeating, if he got tuberculosis at any time before January 1, 1925, is conclusively presumed to have gotten it as a result of his war-time service. Compensate him at the rate of \$250 a month, or whatever this bill will give him, and then tell the enlisted man who lacks a limb that was shot off in the Argonne that you are being fair, and I should like to hear his answer!

Mr. President, there is nothing new in this proposed distinction.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED of Pennsylvania. I do.

Mr. WADSWORTH. Perhaps the Senator will forgive me for interfering with the thread of his address; but, like him, I feel so deeply about this matter that I want to ask him if he will let me recite, as best I can, the illustration given by the Senator from Connecticut [Mr. BINGHAM], who was in the Air Service during the war, and did a great deal of flying himself. The Senator from Connecticut pictured this situation in the event that this bill shall pass:

He, a lieutenant colonel, goes up in an airplane. With him goes a sergeant. There is a crash. The lieutenant colonel is disabled to the extent of 30 per cent or more. The sergeant may, as the Senator indicated a moment ago, suffer from a broken back, and be bedridden the rest of his life. The lieutenant colonel who went up in the same plane with the sergeant—the two alone up there in the air, facing the same risks, taking the same chances—will get three times as much as the sergeant. How can it be defended?

Mr. REED of Pennsylvania. Back in the days when we were organizing this Army, Mr. President, we came to pass what was known as the war risk insurance act, which provided insurance for all the men in our Army and Navy against the perils they were going to meet, and it was suggested in the House of Representatives that it was not right to limit an officer to the same amount of insurance that was given to a mere enlisted man, and the proposition was made that the insurance to officers should be increased. They were going to give \$10,000 insurance to private soldiers, but a captain would have sixteen or seventeen thousand dollars, and a colonel would have been insured for \$25,000, and a brigadier general—valuable as they were—would have been insured at \$35,000.

I am sure the Senator from Tennessee [Mr. Tyson] will understand what I mean when I say that the life of a brigadier general was worth much more than \$35,000; but, at any rate, that was the proposition back in May, 1917, and the House debated it thoroughly. They were to grade the amount of insurance offered according to the rank of the individual; and that proposition came to a vote, and was defeated by a roll-call vote of 139 to 3. Only three Members of the House dared to vote that day, when they were raising the Army, that they would give the officers better protection than the enlisted men; and yet that is precisely what this bill now undertakes to do, now that the war is over. They did not dare to do it then, when they were asking these men to come out and offer their lives; but the war is over now, and a number of officers have bombarded the Senate and each Member of it—I know they have bombarded me—with letters of appeal in every mail, all based on the theory that somehow we were hard-hearted in resenting this discrimination.

Mr. WADSWORTH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. WADSWORTH. Would it interest the Senator to know that 138 of the officers who are beneficiaries under this bill are employed in the Veterans' Bureau now?

Mr. REED of Pennsylvania. That is, about 8 per cent of the beneficiaries—about 1 in 12—under this bill.

Mr. WADSWORTH. They are drawing salaries from the Federal Government ranging all the way from \$2,000 a year to \$5,100 per year.

Mr. REED of Pennsylvania. And yet I will warrant that none of the letters the Senator has received tell how much pay the writers are getting from the Government in addition to the compensation they are asking. I know none of mine have told.

Mr. NEELY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from West Virginia?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. NEELY. If the objection which the Senator from New York has just made to this bill, namely, that a number of the beneficiaries of the proposed legislation are employed in the Veterans' Bureau, be a valid argument against the measure, why not amend it so as to exclude those employees?

Mr. REED of Pennsylvania. That is, the Senator would penalize them for having the industry and persistence and courage to try to work in spite of their disability?

Mr. NEELY. Not by any means.

Mr. WADSWORTH. I am not criticizing these gentlemen for being employed in the bureau. I merely state the fact that 138 of them are so employed, some drawing salaries as high as \$5,000 a year, to indicate that at least that group are not in destitution, and they are getting their compensation besides; nor are they very, very severely disabled, or they could not earn that amount of money.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. NEELY. Does the Senator from Pennsylvania approve of the illustration presented by the Senator from Pennsylvania a moment ago in which a colonel or general and a sergeant were injured while they were making a flight in an airplane?

Mr. REED of Pennsylvania. I do, and I think the case for the sergeant is even stronger than for the colonel, because the colonel was the pilot and was to blame for the accident, probably, if anybody was.

Mr. NEELY. They were both presumably doing their best at the time they were injured and giving their all to their country?

Mr. REED of Pennsylvania. Of course.

Mr. NEELY. Was it undemocratic or inequitable to pay the general or colonel eight or ten times as much salary as was paid the sergeant for making that flight?

Mr. REED of Pennsylvania. In the first place, a lieutenant colonel does not get eight or ten times as much as a sergeant, especially when you take into account the number of things that are supplied to the sergeant free for which the lieutenant colonel has to pay. In the next place, that is pay for service rendered. This is compensation for a past injury received, except that it is not based upon the severity of the injury, but is based upon the loftiness of the rank.

Mr. NEELY. Are not a number of our compensation laws based upon the theory that their beneficiaries shall receive compensation in proportion to the wages or salary previously paid them?

Mr. REED of Pennsylvania. It is true that certain workmen's compensation laws are graded within narrow limits according to the pay the man received at the time; but those limits are very narrow, and I do not know of any difference being made according to the rank or position of authority of the injured workman. The Senator must understand that a sergeant in the Army, when you include all his allowances and free issues of subsistence and clothing, gets much more than a second lieutenant; so that if you are going to base the bill upon the pay that is received you would have to invert the system and give your first sergeant or master sergeant more than you give the second lieutenant, which is not what this bill does.

Mr. NEELY. For example, what proportion would the compensation provided by this bill for a first lieutenant and a first sergeant who had lost their right arms bear to the respective salaries received by them immediately before they were injured?

Mr. REED of Pennsylvania. The lieutenant would get a smaller amount in proportion to the base pay of the enlisted man, because the lieutenant has to provide for himself a great number of things that in the Army are issued free to the enlisted men. The amount paid by the Veterans' Bureau to the two men would depend to some extent upon their occupations, as it should. A man who is engaged in manual labor is rated in the Veterans' Bureau at a higher percentage of disability than the man who is engaged at desk work, and so forth, as the Senator indicates.

Mr. NEELY. Is that because as a rule higher wages or salaries are paid for mental than for physical work?

Mr. REED of Pennsylvania. No; not for that reason, but because the loss of an arm causes a very slight reduction in the earning-power of the brain-worker—the lawyer, for example, or the doctor—while the loss of an arm causes a very substantial impairment of the earning-power of the manual worker. That is the theory on which it is done.

Mr. NEELY. Will the Senator yield for one more question?

Mr. REED of Pennsylvania. Of course, the Senator will understand that I am pressed for time, but I yield.

Mr. NEELY. Did the Senator support two bills that were in recent years passed by this body, allowing the wives of ex-Presidents \$5,000 a year compensation?

Mr. REED of Pennsylvania. I do not remember whether I did or not, but if I had been here, I think I would have.

Mr. NEELY. Why should the widow of a deceased President, particularly if she has inherited a half a million dollars, be paid \$5,000 a year, if it is inequitable to pay a maimed general three-fourths of the salary he received immediately before he was injured?

Mr. REED of Pennsylvania. Those are totally different questions, Mr. President.

Mr. NEELY. On what ground does the Senator justify the action in one case and condemn it in the other?

Mr. REED of Pennsylvania. I have tried to explain, in the brief time that was allotted to me, why I think this is a discrimination in favor of the commissioned personnel against the enlisted. I do not think that has anything to do with the pensions Congress has from time to time given the widows of Presidents who have died. It is a matter in which we are all interested that the surviving relatives of one who has been President of the United States should live in dignity for the remainder of their lives. It is a matter of embarrassment and concern to all of us if the relatives of a former President are reduced to poverty and the makeshifts that poverty requires. I do not think there is any analogy between that case and the bill that is before us now. I do not think our action on that should furnish any guide for our action in this matter. Otherwise, I suppose we would have to pay the widows of all departed soldiers \$5,000 a year, which would not leave much in the Treasury for other purposes.

Mr. NEELY and Mr. ROBINSON, of Indiana addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I will have to yield first to the Senator from West Virginia, and then I will be glad to yield to the Senator from Indiana.

Mr. NEELY. I am not arguing for an allowance of \$5,000 a year to every injured soldier, but it has been stated by an able Senator within the last hour that the compensation paid officers and enlisted men, before they are injured, is based on service. But I deduce from what the Senator said that he is opposed to making prior service the basis of compensation for those who have been injured in the line of duty.

For what are we compensating the widow of a deceased President who has inherited more than half a million dollars? Is it for the service her husband rendered while he was President? Why should we vote her compensation of \$5,000 a year out of the Treasury, and at the same time argue that it is undemocratic to pay a maimed officer three-fourths of the amount he was receiving immediately before he was injured?

Mr. REED of Pennsylvania. Mr. President, if the Senator wants a parallel case, I suppose we would have to take the cases of widows of different Presidents. I think it would be an offensive discrimination to pay some widows more than others, particularly if we did it on the ground that one President was of a higher caste or more distinguished than the other. That is practically what we are asked to do in this measure. In the cases of two widows who have lost their husbands, there ought to be an equality of treatment of them, and it is discrimination I object to. If we were able to pay the widows of all soldiers \$5,000 a year, it would be a fine thing to do, but it is not fair to pay some of them more than others.

Now, I am glad to yield to the Senator from Indiana.

Mr. ROBINSON of Indiana. Mr. President, it is perfectly evident that no vote can be reached on this measure to-night before 11 o'clock. While I do not question the Senator's motive in the slightest degree, I strongly suspect both he and the Senator from New York have had that in view from the beginning.

Mr. REED of Pennsylvania. The Senator does us an injustice. I was just about to offer an amendment and quit.

Mr. ROBINSON of Indiana. The amendment has not yet been offered, and it is almost time for closing the debate. I merely want to suggest in the Senator's time, if I may, as an observation, that we do not desire that any statements of the



able Senator from Pennsylvania or the distinguished Senator from New York shall go unchallenged. Each and every argument can easily be answered. In my own opinion, the Senator is begging the question. On another occasion, when there is sufficient opportunity and plenty of time to indulge in debate, all that the Senator has said, and all that has been said by the able Senator from New York, will be answered, I think, satisfactorily to the Senate, and there will be a vote ultimately. Though I am not a prophet or the son of a prophet, I make the prediction that this bill, because of the justice of the measure and because it is thoroughly equitable, will be passed by an overwhelming majority of both Houses.

Mr. REED of Pennsylvania. Mr. President, the Senator has called my attention to the fact that we have unwittingly taken a lot of his time. I would be very glad to yield the floor to the Senator now and allow him to use the rest of the time in rebutting our arguments.

Mr. ROBINSON of Indiana. I am perfectly willing, if there is a quorum present, to have the bill voted on this moment.

SEVERAL SENATORS. Vote! Vote!

Mr. ROBINSON of Indiana. I do not care to speak further, for I think the Senate is prepared to vote. The Senate has on another occasion passed this bill by an overwhelming majority, and will do so again if given an opportunity to vote; and I am ready for a vote.

Mr. REED of Pennsylvania. Then, Mr. President, I did not understand the Senator. I thought he was complaining because he was not given a chance to speak. Now I am astonished to find that the Senator does not want to speak.

Mr. ROBINSON of Indiana. I would be perfectly willing to speak if it were necessary, but we are ready to vote on the bill, I submit, and I think we can pass it if we have a quorum present and if the Senator is willing to have a vote now.

Mr. REED of Pennsylvania. That is admirable. In view of the Senator's expressed readiness to get to a decision on the measure, I offer the following amendment: On page 1, line 3, after the word "officers," I move to insert the words "or non-commissioned officers."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum. Undoubtedly we will get one.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Moses	Shortridge
Blease	Hale	Neely	Stephens
Bruce	Heflin	Oddie	Stewart
Cameron	Jones, Wash.	Phipps	Trammell
Capper	King	Pine	Tyson
Curtis	McMaster	Reed, Pa.	Wadsworth
Deneen	Means	Robinson, Ind.	
Ferris	Metcalf	Sheppard	

Mr. JONES of Washington. I desire to announce that the junior Senator from Connecticut [Mr. BINGHAM] is necessarily absent on account of illness.

#### ADJOURNMENT

The PRESIDENT pro tempore. The hour of 11 o'clock having arrived, under the unanimous-consent agreement previously entered into, the Senate stands in adjournment until 12 o'clock to-morrow.

Thereupon (at 11 o'clock p. m.), the Senate adjourned until to-morrow, Tuesday, February 8, 1927, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate February 7 (legislative day of February 5), 1927*

##### MEMBER OF BOARD OF MEDIATION

Pat Morris Neff, of Texas, to be a member of the Board of Mediation created by section 4 of the railway labor act, approved May 20, 1926, for the term expiring three years after January 1, 1926, vice Carl Williams, resigned.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate February 7 (legislative day of February 5), 1927*

##### MEMBER OF FEDERAL TRADE COMMISSION

Edgar A. McCulloch to be a member of the Federal Trade Commission.

##### JUDGE OF MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

Nathan Cayton to be judge of the municipal court, District of Columbia.

#### UNITED STATES ATTORNEY

George E. Q. Johnson to be United States attorney, northern district of Illinois.

##### GENERAL OFFICER—REAPPOINTMENT IN THE ARMY

Edward Gottlieb Heckel to be brigadier general, reserve.

##### GENERAL OFFICER—APPOINTMENT IN THE ARMY

Guy Merrill Wilson to be major general, reserve.

##### PROMOTIONS IN THE ARMY

Milosh Radosablavitz Hilgard to be colonel.

Lewis Turtle to be lieutenant colonel.

Calvin DeWitt, jr., to be major.

Frank Charles Jedlicka to be captain.

Robert MacDonald Graham to be captain.

Leo Buffington Conner to be captain.

Joseph Brenner to be first lieutenant.

Raymond Taylor Tompkins to be first lieutenant.

George Alfred Arnold Jones to be first lieutenant.

George Evans Burritt to be first lieutenant.

William Madison Mack to be first lieutenant.

Robert Crane Hendley to be first lieutenant.

##### APPOINTMENTS BY TRANSFER IN THE ARMY

Benjamin Peter Heiser to be second lieutenant, Field Artillery.

Mason Harley Lucas to be second lieutenant, Field Artillery.

##### APPOINTMENT IN THE ARMY

Linwood Ellsworth Hanson to be colonel.

Clifford Jones to be lieutenant colonel.

James Mitchell Crane to be major.

Arthur Burnola Custis to be captain.

Walter Jesse Klepinger to be first lieutenant.

Grady David Epps to be first lieutenant.

##### POSTMASTERS

###### KANSAS

Adna E. Palmer, Kingman.

Margaret M. Marks, Oberlin.

###### NEW HAMPSHIRE

Charles H. Bean, Franklin.

Joseph H. Geisel, Manchester.

###### NORTH DAKOTA

Ira L. Walla, Arnegard.

Lottie E. Dettman, Judson.

###### TEXAS

Walter K. Weber, Coupland.

Edwin C. Hill, El Campo.

Peter W. Henry, Henrietta.

James E. Moore, Lometa.

Thomas M. Welch, Palestine.

Nena M. Iiams, Sugar Land.

Hiram H. McGuffey, Three Rivers.

## HOUSE OF REPRESENTATIVES

MONDAY, February 7, 1927

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To Thee, O God, out of the busy voices of life we lift our breath in prayer. Give us the understanding that nourishes, restores, and establishes the way that we should go. The heights and the depths of Thy nature are far, far from us; but may we grow toward them with fine apprehension. Prepare us by gain and loss, by joy and sorrow, to rise above all things false and to know Thee. Help us to be truth-loving seekers; may we not just blink at the true light and pass on. When our sunset pales to dusk may we feel the touch of Thy hand that bids us rest. Through Jesus Christ our Lord. Amen.

The Journals of the proceedings of Saturday and Sunday, February 5 and 6, 1927, were read and approved.

##### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments House bill of the following title, in which the concurrence of the House is requested:

H. R. 16249. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes.

The message also announced that the Senate had passed Senate bills and Senate joint resolutions, in which the concurrence of the House is requested:

S. 4916. An act donating revolutionary cannon to the New York State conservation department;

S. 5499. An act authorizing a survey of the Caloosahatchee River drainage area in Florida and of Lake Okeechobee and certain territory bordering its shores in Florida;

S. J. Res. 141. Joint resolution to approve a sale of land by one Moshulatubba or Mushulatubbe on August 29, 1832; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Tampa, Fla., in April, 1927.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled House bills and a House joint resolution of the following titles, when the Speaker signed the same:

H. R. 10900. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding \$30,000 for the purpose of improving the town's waterworks system;

H. R. 11843. An act to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front, and for other purposes;

H. R. 15649. An act to provide for the eradication or control of the European corn borer; and

H. J. Res. 292. An act to amend the act entitled "An act granting the consent of Congress for the constructing of a bridge across the Delaware River at or near Burlington, N. J.," approved May 21, 1926.

#### THE FEDERAL ESTATE TAX

Mr. BOWLING. Mr. Speaker, I ask unanimous consent to print in the RECORD a concurrent resolution of the two houses of the Legislature of the State of Alabama memorializing the Congress to repeal the Federal inheritance tax.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOWLING. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following joint resolution memorializing Congress to abolish the Federal estate tax:

House Joint Resolution 18 (by Merrill). For memorializing the Congress of the United States to abolish the Federal estate tax

Whereas the Federal estate (inheritance) tax law, as amended February 26, 1926, provides that the estate liable thereunder shall be credited with any inheritance tax paid by the beneficiaries to the State, or States, the credit not to exceed 80 per cent of the Federal levy; and

Whereas this amendment menaces the rights of the States, because its object is to coerce the State of Alabama and other States having no inheritance tax law to adopt such a tax and to persuade the States having State inheritance tax laws to abandon their State laws in favor of statutes based on the Federal law; and

Whereas the joint levy is contrary to the theory of this Government, unprecedented and offensive to the independence of the legislatures of the sovereign States: Therefore be it

*Resolved by the House (the Senate concurring), That we hereby request the present Congress to repeal immediately the Federal estate (inheritance) tax provisions of the revenue law effective February 26, 1926, and abandon this field of taxation in time of peace: Be it further*

*Resolved, That certified copies of this joint resolution be forwarded to Alabama's Senators and Representatives in the Congress of the United States.*

Approved January 28, 1927.

#### THE STATE OF ALABAMA, Department of State.

I, John M. Brandon, secretary of state, do hereby certify that the pages hereto attached contain a true, accurate, and literal copy of House Joint Resolution No. 18, by Merrill, approved January 28, 1927, as the same appears on file and of record in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the Capitol, in the city of Montgomery, this 1st day of February, 1927.

[SEAL.]

JNO. M. BRANDON,  
Secretary of State.

#### PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11601) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors

of wars other than the Civil War, and to widows of such soldiers and sailors, and so forth, and concur in the Senate amendments.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table House bill 11601 and concur in the Senate amendments. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I make a reservation of objection in order to ask the gentleman a question: What is the gentleman going to do about the Indian pension bill? It has been lying pigeonholed by the committee for months.

Mr. KNUTSON. I will say to the gentleman he is in error when he says it has been pigeonholed by the committee.

Mr. BLANTON. Where has it been?

Mr. KNUTSON. It has been on the calendar, and we hope to bring it up to-day.

Mr. BLANTON. The gentleman is going to take it up under suspension?

Mr. KNUTSON. If we can get recognition, we hope to bring it up to-day.

Mr. BLANTON. If you are going to do those Indian veterans any good you had better do it pretty soon or they will all be dead. They defended the frontiers of this Republic when every day they took their lives in their hands. They performed brave, valiant, patriotic service of great value to the United States, and they should draw the same amounts as other veterans of other wars.

Mr. KNUTSON. As I say, we are going to try to bring it up to-day.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. CHINDBLOM. This bill was passed in the last session?

Mr. KNUTSON. Yes.

Mr. CHINDBLOM. And it is time we had some action upon it.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate amendments were agreed to.

#### DEPARTMENTS OF STATE AND JUSTICE, ETC., APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16576) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1928, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 16576, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. SHREVE, ACKERMAN, and OLIVER of Alabama.

#### VETERANS' HOSPITAL, STATE OF INDIANA

Mr. UPDIKE. Mr. Speaker, I ask unanimous consent to insert in the RECORD Senate Resolution No. 5 as adopted by the Senate and House of Representatives of the State of Indiana, a concurrent resolution requesting the Congress of the United States to appropriate funds for a United States veterans' hospital.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by printing in the RECORD a resolution adopted by the Legislature of Indiana, requesting the Congress of the United States to appropriate funds for a United States veterans' hospital. Is there objection?

There was no objection.

Mr. UPDIKE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following concurrent resolution of the Legislature of Indiana:

A concurrent resolution requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of this area

Whereas the World War veterans' act of 1924, as amended, provides that "the Director of the United States Veterans' Bureau is authorized to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this sub-



division shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses"; and

Whereas as the result of the above enactment of Congress there has been a substantial increase of admissions to hospitals, and as this increase of admissions is expected to continue for years to come; and

Whereas in this area, comprising the States of Indiana, Kentucky, Ohio, Michigan, and Illinois there is at this time an acute and increasing need for general hospital facilities, and as the State of Indiana has not been allowed a United States Veterans' Bureau hospital, while in each of the States bordering Indiana there has been United States Veterans' Bureau hospitals established; and

Whereas as Indiana is the center of population of the United States, a nucleus of the agricultural and industrial elements, the greatest railroad center of the world, and easily accessible by highways, there is probably no area within the United States, comprising States that potentially serve such a large number of ex-service men; and,

Whereas a United States Veterans' Bureau general hospital, located within the State of Indiana, would economically serve approximately 1,000,000 ex-service men who are residents of this area; and,

Whereas the savings alone in transportation would be of such stupendous amount, because of the central location, and because of serving such a wide area, the institution should be of such proportions as to meet the present acute and increasing needs, so that the large necessary expenditure will be an economic one: Therefore

**SECTION 1.** *Be it resolved by the Senate of the State of Indiana (the house of representatives concurring),* That the United States Government is hereby respectfully urged and requested to provide the necessary funds for the establishment of a United States Veterans' Bureau general hospital at some convenient place within the State of Indiana, of such capacity as to afford adequate hospital facilities for persons entitled to treatment in such hospitals in the area consisting of the States of Indiana, Kentucky, Ohio, Michigan, and Illinois. The United States Senators and Members of Congress from this State are hereby urged to use all honorable means to secure the establishment of such a hospital in the State of Indiana.

**SEC. 2.** That the secretary of the senate is hereby directed to send certified copies of this resolution to each of the United States Senators and each Congressman from Indiana.

I hereby certify that senate concurrent resolution No. 5 was adopted by the senate on February 1, 1927.

FERN ALB, *Secretary of Senate.*

I hereby certify that senate concurrent resolution No. 5 was adopted by the house of representatives on February 4, 1927.

W. T. LYTLE, *Clerk of the House.*

#### CONSENT CALENDAR

The SPEAKER. The Consent Calendar is in order to-day. The Clerk will report the first bill.

#### POSTMASTERS OF THE FOURTH CLASS

The first business on the Consent Calendar was the bill (H. R. 4040) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, this bill carries a cost of about \$3,800,000.

Mr. RAMSEYER. It will cost about \$2,600,000.

Mr. LA GUARDIA. Well, we will let it go at that. It is not approved by the Post Office Department, and the gentleman will recall that at the last Congress, when we were considering the postal salary increase bill, this very thing was under consideration; and I do not believe this sort of legislation ought to be pushed through on the Consent Calendar. This is a far-reaching policy.

Mr. RAMSEYER. The gentleman in his statement that the Post Office Department is opposed to this bill states what is the fact. The Post Office Department is opposed to this bill, but the Committee on the Post Office and Post Roads, notwithstanding the attitude of the Post Office Department, reported out this bill, thinking that the fourth-class postmasters were entitled to this additional allowance for heat, light, fuel, and equipment.

Mr. LA GUARDIA. The gentleman is not serious about this, is he?

Mr. RAMSEYER. The gentleman from Iowa has given the matter careful consideration.

Mr. LA GUARDIA. He always does.

Mr. RAMSEYER. And the gentleman does not like to have his seriousness in doubt.

Mr. LA GUARDIA. The gentleman knows I did not mean to impute that.

Mr. BLANTON. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BLANTON. The gentleman from New York has no third-class postmasters in his district.

Mr. LA GUARDIA. On the statement made by the gentleman from Texas, Mr. Speaker, I object.

Mr. RAMSEYER. Mr. Speaker, I was going to offer an amendment. It does not go to the merits of the proposition, but I ask unanimous consent that I may have printed in the RECORD the amendment I was going to propose to this bill so the RECORD will show in what shape it may come up the next time.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The amendment referred to follows:

Proposed amendment to H. R. 4040: Strike out all after the enacting clause and insert the following: "That after July 1, 1927, postmasters of the fourth class shall be paid as allowances for rent, fuel, light, and equipment an amount equal to 15 per cent of the compensation earned in each quarter, exclusive of commissions on money orders issued, such allowances to be paid at the end of each quarter at the same time and in the same manner as their regular compensation."

#### SHOSHONE NATIONAL FOREST, WYO.

The next business on the Consent Calendar was the bill (H. R. 9640) to add certain lands to the Shoshone National Forest, Wyo.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the following-described lands are hereby added to and made parts of the Shoshone National Forest, Wyo., subject to any valid adverse rights initiated prior to the passage of this act:

Township 45 north, range 101 west, sixth principal meridian: Section 5, south half; sections 8, 17, 20, 29, and 32, all.

Township 44 north, range 101 west, sixth principal meridian: Sections 5, 6, 7, 8, 17, and 18, all.

Township 53 north, range 103 west, sixth principal meridian: Section 6, lots 12, 13, 14, east half southwest quarter, west half southeast quarter; sections 7 and 8, all; section 9, west half, southeast quarter; section 10, west half, southeast quarter southwest quarter, south half southeast quarter; section 14, southwest quarter, south half northwest quarter, southwest quarter northeast quarter, west half southeast quarter; sections 15, 16, 17, 18, all; section 19, north half northeast quarter; section 20, north half, southeast quarter, east half southwest quarter; sections 21 and 22, all; section 23, west half, southeast quarter, west half and southeast quarter northeast quarter; section 24, west half southwest quarter, southwest quarter northwest quarter; section 25, all; sections 26 and 27, all; section 28, north half; section 35, lots 1, 2, 3, and 4; section 36, lots 1, 2, 3, 4, 5, and 6.

Township 53 north, range 104 west, sixth principal meridian: Sections 1, 12, 13, 24, 25, and 36, all not now included in the forest.

Township 54 north, range 103 west, sixth principal meridian: Section 4, southwest quarter southwest quarter; section 5, south half; section 6, south half; section 8, all; section 9, southwest quarter, west half, and southeast quarter northwest quarter; section 16, west half; section 17, all; section 20, north half northwest quarter.

Township 54 north, range 104 west, sixth principal meridian: Sections 1, 24, 25, and 36, all not now included in the forest.

Township 55 north, range 104 west, sixth principal meridian: Sections 1, 12, 13, 24, 25, and 36, all not now included in the forest.

Township 56 north, range 104 west, sixth principal meridian: Sections 1, 12, 13, 24, 25, and 36, all not now included in the forest.

With the following committee amendments:

Page 2, beginning with line 1, strike out the remainder of the paragraph down to and including line 16.

Page 2, line 23, strike out "west half" and insert "west half northwest quarter."

Page 3, line 2, strike out "sections 1, 24, 25, 36, all not now included in the forest," and insert "sections 1, west half and northeast quarter 24, west half 25, and west half 36, all not now included."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### DUTIES OF POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 13444) amending section 4031 of the Revised Statutes of the United States to enable postmasters to designate one or more employees to perform duties for them during their ab-

science, including the signing of checks in the name of the postmaster.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to point out that this bill as it is now drawn would vitiate the bond of every postmaster. Later on in the calendar we have a similar bill for departments other than the Post Office Department, which properly provides for the consent of the sureties on the bonds executed before the enactment of the bill.

Mr. SPROUL of Illinois. Will the gentleman yield right there?

Mr. LAGUARDIA. Yes.

Mr. SPROUL of Illinois. The department has been doing this for the past 30 years.

Mr. LAGUARDIA. The gentleman did not get my point. If the gentleman will look at Calendar 879, H. R. 16655, he will find in that bill this necessary proviso:

*Provided, however, That the written consent of the surety or sureties shall be secured when such bond has already been executed prior to the date of the approval of this act.*

If the gentleman will accept such an amendment, the bill will be in good shape. If you do not amend the bill, if the postmasters should act as authorized under this bill, that would vitiate the bond.

Mr. SPROUL of Illinois. I am perfectly satisfied to accept the amendment, and I believe the committee will be agreeable to that. Will the gentleman offer the amendment?

Mr. LAGUARDIA. I will.

Mr. SPROUL of Illinois. I will accept the gentleman's amendment.

Mr. LAGUARDIA. With that understanding, I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc., That section 4031 of the Revised Statutes of the United States is amended to read as follows:*

"The postmaster of any money-order office, or any disbursing officer of the Post Office Department or Postal Service, may, with the approval of the Postmaster General, authorize a supervisory officer, or clerk, employed in his office to act in his place, and may authorize one or more of such officers or clerks to sign checks in the name of such postmaster or disbursing officer, including checks drawn on the Treasurer of the United States; and the bond furnished by the said supervisor or clerk shall be held to cover his acts under such authorization; and the official bond given by the principal of the office shall be held to cover also and apply to the acts of the person or persons authorized to act in his place in such cases; and the person authorized to act in his place shall, while so acting, be subject to all liabilities and penalties prescribed by law for the official misconduct in like cases of the officer for whom he shall act."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, at the end of line 10, strike out the period, insert a colon and the following: *Provided, That the written consent of the surety or sureties shall be secured when such bond has already been executed prior to the date of the approval of this act.*

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I ask recognition for five minutes.

It ought to be understood by us, and the postmasters ought to understand, that when we pass this bill we are not expecting postmasters to absent themselves from their places of business whenever they get ready. They should be absent only in cases of great emergency. I understand this bill is only to meet emergencies where they are compelled to leave their post offices.

I want to call your attention, in connection with parties leaving their places of business and leaving their duties to make money on the side, to an advertisement that has appeared in your Washington papers with respect to one of the university law schools here in Washington.

It advertises that Frederick L. Siddons, one of your associate justices of the Supreme Court of the District of Columbia, is one of its professors of law of negotiable instruments and evidence. It advertises that Charles H. Robb, an associate justice of the Court of Appeals of the District of Columbia, is its professor of the law of equity and of admiralty. It advertises that

Jennings Bailey, an associate justice of the Supreme Court of the District of Columbia, is its professor of equity pleading and practice, equitable trusts, and conflict of laws. These judges can not hold two jobs. They are either neglecting their courts or their law classes. It advertises that Charles S. Lobingier, who is an Assistant United States Attorney General of the United States, is its professor of Roman law and its professor of modern civil law. It advertises that Peyton Gordon, your present United States district attorney for the District of Columbia, is its professor of case law of crimes. Now we know why our criminal dockets here are congested. It advertises that Dr. D. Percy Hickling, who is the alienist for the District of Columbia, employed at an annual salary, if you please, is its professor of medical jurisprudence. The District is entitled to his undivided time and service. It advertises that Vernon E. West, who is an assistant United States district attorney of the District of Columbia, is its professor of the law of insurance and its associate professor of the law of evidence. It advertises that J. Robert Anderson, who is a special assistant to the United States Attorney General, is its lecturer on Government contracts and claims and jurisdiction. It advertises that Richard Flournoy, who is assistant solicitor in the United States Department of State, is its professor of international law. It advertises that George Percy Barse, who is an Assistant United States Attorney General, is its professor of the law of damages and its associate professor of real property. It advertises that Thomas C. Havell, Assistant Commissioner in the United States Land Office, is its professor of land, mining, and irrigation law. It advertises that Herbert L. Davis, who is the auditor of the Supreme Court of the District of Columbia, is its instructor in legal accounting and court auditing. It advertises that Bertrand Emerson, who is an assistant United States district attorney for the District of Columbia, is its professor of case law of evidence and criminal procedure. It advertises that John Keeler, an examiner in the Interstate Commerce Commission, is its professor of law of bailments and carriers. It advertises that Russell P. Bellew, who is the assistant clerk of the District of Columbia Supreme Court, is the clerk of all its moot courts.

Now, I want to say that if these Government employees are doing their duty by the public they have no time to be professors of law and university employees. If they are doing their duty to the students and the university, they have no time to hold Federal positions.

Mr. GRAHAM. Does the gentleman know that this law school is a night school and that these men are serving out of office hours doing this work?

Mr. BLANTON. I want to say that it requires my work in my office night after night and year in and year out to attend to my official duties. If these men are attending to their official duties, they have no time to prepare law lectures. If they lecture nights, they must prepare their lectures in the daytime. And it ought to be stopped.

The SPEAKER. The time of the gentleman from Texas has expired. The question is on the passage of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### ADDITIONAL DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

The next bill on the Consent Calendar was the bill (S. 475) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CROSSER. I object.

Mr. GREEN of Iowa. Will not the gentleman reserve his objection?

Mr. CROSSER. Yes; I will reserve it.

Mr. LAGUARDIA. I object.

Mr. GREEN of Iowa. Will not the gentleman from New York reserve his objection?

Mr. LAGUARDIA. For a moment.

Mr. GREEN of Iowa. I would like to ask these gentlemen if their objection is on the ground of the merits of the bill.

Mr. LAGUARDIA. It seems to me that where we have a district judge who is incapacitated, his place can be taken by a substitute judge. If a judge has a stomach ache and goes to bed, I do not think we should pass a law appointing another judge.

Mr. GREEN of Iowa. I do not think my friend is speaking in earnest. This judge is totally incapacitated, so that he can never serve again.

Mr. HILL of Maryland. Let me ask the gentleman, has not this bill passed the House in the omnibus judge bill?



Mr. GREEN of Iowa. Yes. If my friend thinks this is a temporary incapacity, he is mistaken.

Mr. LA GUARDIA. If it is a permanent incapacity, he ought to retire.

Mr. GREEN of Iowa. That is true; but will the gentleman inform me of any way to make him retire?

Mr. BLANTON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. What time does the judge open court in the Iowa Federal courts?

Mr. GREEN of Iowa. I do not know.

Mr. BLANTON. Ten o'clock. What time do they adjourn?

Mr. GREEN of Iowa. If they have no judge, they have no court.

Mr. BLANTON. How much time does he take out for lunch? If these judges will go to work, they will not need so many judges.

Mr. GREEN of Iowa. We have not got any. It seems strange to me that there should be any objection.

Mr. CROSSER. I do not think this is the way to legislate for a new judge.

Mr. GREEN of Iowa. In what way? How should we legislate?

Mr. CROSSER. We ought to have time to discuss the matter fully.

Mr. GREEN of Iowa. This bill has passed the House once after debate. I confess that I do not understand the situation, but apparently gentlemen seem to object while they concede it is a meritorious bill, and it has once passed the House.

The SPEAKER. Is there objection?

Mr. CROSSER. I object.

#### ADDITIONAL JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. BLANTON. I withdraw my objection for that purpose.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### TO PREVENT DESTRUCTION AND DUMPING OF FARM PRODUCE BY COMMISSION MERCHANTS

The next business on the Consent Calendar was the bill (H. R. 10510) to prevent the destruction or dumping without good and sufficient cause thereof of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Reserving the right to object, I would like to ask a question of the gentleman from South Carolina [Mr. HARE]. Has there been to your knowledge any question raised as to the constitutionality of this bill?

Mr. HARE. I can only say that that question was raised in the hearings and the legal representative of the Department of Agriculture appeared at the hearings.

Mr. HOOPER. Was that question discussed?

Mr. HARE. Yes.

Mr. HOOPER. Is the gentleman satisfied as to the constitutionality of the bill?

Mr. HARE. Fully.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

*Be it enacted, etc.*, That after June 30, 1926, any person, firm, association, or corporation receiving any fruits, vegetables, melons, dairy or poultry products, or any perishable farm products of any kind or character, hereinafter referred to as produce, in interstate commerce, or in the District of Columbia, for or on behalf of another, who without good and sufficient cause thereof, shall destroy, or abandon, discard as refuse, or dump any produce, directly or indirectly, or through collusion with any person, or who shall knowingly make any false report or statement to the person, firm, association, or corporation from whom any produce was received, concerning the handling, condition, quality, quantity, sale, or disposition thereof, or who shall knowingly fail truly and correctly to account therefor, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 and not more than \$3,000, or by imprisonment for a

period of not exceeding one year, or both, at the discretion of the court. A certificate of inspection issued by an inspector designated or licensed by the Secretary of Agriculture for the inspection of produce shall be prima facie evidence in all Federal courts as to the quality and condition of produce at the time of such inspection.

SEC. 2. The Secretary of Agriculture is hereby authorized and directed to enforce this act. It is hereby made the duty of all United States attorneys to prosecute cases arising under this act, subject to the supervision and control of the Department of Justice.

SEC. 3. The Secretary of Agriculture may make such rules and regulations as he may deem advisable to carry out the provisions of this act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any Federal department, board, or commission for assistance in carrying out the purposes of this act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be deemed necessary to the administration of this act in the District of Columbia and elsewhere; and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$25,000, to be available for expenditure during the fiscal year beginning July 1, 1926, and the appropriation of such additional sums as may be necessary thereafter to carry out the purposes of this act is hereby authorized. This act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this act, but it is intended that all such statutes shall remain in full force and effect, except in so far only as they are inconsistent herewith or repugnant hereto.

SEC. 4. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

#### With the following committee amendments:

Page 2, line 3, after the word "knowingly," insert the words "and with intent to defraud."

Page 2, line 8, after the word "knowingly," insert the words "and with intent to defraud."

Page 2, line 13, strike out "A certificate of inspection issued by an inspector designated or licensed by the Secretary of Agriculture for the inspection of produce shall be prima facie evidence in all Federal courts as to the quality and condition of produce at the time of such inspection," and insert:

"The Secretary of Agriculture shall by regulation provide for the making of prompt investigations and the issuing of certificates as to the quality and condition of produce received in interstate commerce or in the District of Columbia, upon application of any person, firm, association, or corporation shipping, receiving, or financially interested in such produce. Such regulations shall designate the classes of persons qualified and authorized to make such investigations and issue such certificates, except that any such investigation shall be made and any such certificate shall be issued by at least two disinterested persons in any case where such investigation is not made by an officer or employee of the Department of Agriculture or of any State or political subdivision thereof or of the District of Columbia. A certificate made in compliance with such regulations shall be prima facie evidence in all Federal courts of the truth of the statements therein contained as to the quality and condition of the produce; but if any such certificate is put in evidence by any party, in any civil or criminal proceeding, the opposite party shall be permitted to cross-examine any person signing such certificate, called as a witness at the instance of either party, as to his qualifications and authority and as to the truth of the statements contained in such certificate."

The committee amendments were agreed to.

Mr. HARE. Mr. Speaker, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

Amendments offered by Mr. HARE: Page 1, line 3, strike out "1926" and insert "1927," and on page 4, line 15, strike out "1926" and insert "1927."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### HILLCREST UNIT, BOISE RECLAMATION, IDAHO

The next business on the Consent Calendar was the bill (S. 3732) making appropriations for the Hillcrest and Black Canyon units of the Boise reclamation project, Idaho.

The Clerk read the title of the bill.

The SPEAKER. In there objection to the present consideration of the bill?

Mr. HOOPER. I object.

Mr. CRAMTON. Mr. Speaker, will the gentleman reserve his objection?

Mr. HOOPER. Certainly.

Mr. CRAMTON. Mr. Speaker, I desire the objection reserved in order that I may observe that this legislation is not necessary so far as the authority is concerned. There is authority now to appropriate for this purpose if this Congress desires to do so. Of course, as to this particular item, the department has adversely reported upon it.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, I object.

The SPEAKER. Objection is heard and the bill is stricken from the calendar.

#### DRAINAGE CHARGES IN BELTRAMI AND OTHER COUNTIES, MINN.

The next business on the Consent Calendar was the bill (H. R. 8035) to authorize the appropriation of not more than \$375,000 for the payment of drainage charges due on the public lands within the counties of Beltrami, Koochiching, and Lake of the Woods, in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

#### MUNICIPAL IMPROVEMENTS ON RECLAMATION PROJECTS

The next bill on the Consent Calendar was the bill (H. R. 430) to authorize payments for municipal improvements on reclamation projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I reserve the right to object.

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, I reserve the right to object for this reason: If we are to enter on this policy as to all Government buildings throughout the country, it will involve the Government in a good many million dollars of expense. I, therefore, join with the gentleman from Texas in objecting.

The SPEAKER. Two objections are noted.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield for a moment?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. If we were to embark on this policy, what would be the difference from requiring the Government to pay for its one-third cost of street paving in front of the post office in the town where I live?

Mr. CRAMTON. That would be the logical consequence of passing the bill.

Mr. SMITH. Mr. Speaker, will the gentleman from Texas yield?

Mr. BLACK of Texas. Yes; if I have the floor.

Mr. SMITH. The difference is this, that this improvement would be paid for from the reclamation fund and not from the Federal Treasury.

Mr. BLACK of Texas. I think the principle would be the same. The precedent would be very bad.

Mr. SMITH. This bill was introduced at the request of the Secretary of the Interior. I reported the bill as chairman of the Committee on the Public Lands, believing it to be meritorious legislation.

Mr. BLACK of Texas. I have no fault to find with the gentleman's attitude, but I think it would be a dangerous precedent.

Mr. SMITH. It is for the benefit of the settlers on a Government reclamation project. They pay for it and the money does not come out of the Federal Treasury.

Mr. BLACK of Texas. It is setting a precedent for paying for municipal improvements on Government projects. I object, Mr. Speaker.

The SPEAKER. This bill requires three objections. The Chair has noted two.

Mr. LaGUARDIA. Mr. Speaker, I object.

The SPEAKER. Three objections have been entered, and the bill is stricken from the calendar.

#### CONSTRUCTION OF CERTAIN PUBLIC WORKS AT QUANTICO, VA.

The next business on the Consent Calendar was the bill (H. R. 14242) to authorize the Secretary of the Navy to proceed with the construction of certain public works at Quantico, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, will the gentleman from Pennsylvania give information as to whether it is intended by this bill to make a direct appropriation or to authorize an appropriation for this purpose?

Mr. COYLE. Mr. Speaker, it is not intended, and the bill does not make a direct appropriation. It merely authorizes an appropriation. In view of the fact the appropriations subcommittee in its report this year said that had they had an authorization for this appropriation they would have included in the bill the starting appropriation for this particular work, and in view of the very serious disastrous fire in 1 of 30 similar barracks buildings, which occurred last Friday night, the fire having caused the death of one officer and two other persons, I would greatly appreciate it if the gentleman would withdraw his objection.

Mr. BLACK of Texas. If the gentleman will permit, I have no objection, except it ought to be made plain this is an authorization for an appropriation and not a direct appropriation, and I suggest the gentleman strike out the period at the end of the bill and offer an amendment reading as follows:

And said sum is hereby authorized to be appropriated.

Mr. COYLE. Mr. Speaker, the committee have no objection to such an amendment.

Mr. CRAMTON. Mr. Speaker, further reserving the right to object, I desire to ask if the passage of this authorization is to be construed as mandatory on Congress?

Mr. COYLE. Mr. Speaker, I can not answer that for the Congress, but answering for myself I should say it is not a mandatory resolution at all.

Mr. CRAMTON. I want to observe that I think there is no question that construction along these lines is needed at this point, but construction is also urgently required at various Army posts and in the Army. Being restricted to the use of funds derived from the sale of property at various Army posts, the construction is being withheld because of the lack of such funds. I do not think that legislation ought to permit the building of everything the Navy needs unless similar treatment shall be given to Army posts. I want to make this explanation, that ordinarily when the Congress passes an authorization for an appropriation, as soon as that becomes a law the parties interested go to the Budget. They come before the Committee on Appropriations saying, "Now, this has passed out of your discretion; Congress has ordered this; you have nothing to say about it any more as to whether you shall build this year or next; you must approve the expenditure." If it is understood that the question as to when the building is to be done is to be left up to the department, the Budget, and the Congress in the ordinary way—

Mr. VINSON of Kentucky. That is all the bill does.

Mr. CRAMTON. If it will not be mandatory to construct, I am for the Army also.

Mr. DARROW. Camp Humphreys and Camp Meade have been authorized to make permanent construction.

Mr. CRAMTON. That is for the Army.

Mr. DARROW. That has been done.

Mr. CRAMTON. They are proceeding as rapidly as the funds available will permit, but it is not as rapidly as the necessities of the case require. But I accept the gentleman's statement in reference to it and withdraw the objection.

Mr. CHINDBLOM. Of course there is nothing to prevent Congress from making further provisions for needed improvements as it sees fit, and I sincerely hope we will take that matter up soon in reference to some of the Army posts which certainly need serious recognition and attention of the Congress.

Mr. CRAMTON. At any rate we should not show partiality, but should treat one branch of the service as generously as the other.

Mr. LaGUARDIA. As you will recall, last session we were told we were appropriating for it. Now we are going at it in piecemeal fashion in finishing the Army posts.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to proceed with the construction of certain public works at Quantico, Va.—toward the replacement of the temporary buildings erected during the World War—one regimental group of barracks, \$850,000; three storehouses, \$225,000; commissary, bakery, cold storage, and ice plant, \$150,000; disciplinary barracks, \$30,000; motor transport storehouse and repair shop, \$100,000; power house and equipment in part, \$380,000; apartment houses for officers, not to



exceed \$370,000; improvement of grounds and distributing systems in part, \$100,000; total, \$2,205,000, to be accounted for as one fund.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 2, line 4, after the word "fund" strike out the period and insert a comma and add the following language: "and said sums are hereby authorized to be appropriated."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

#### EXCHANGE OF LAND BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 15541) to authorize the exchange of certain lands between the United States and the District of Columbia.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized and empowered to convey to the District of Columbia, free from all encumbrances and without cost to the District of Columbia, all right, title, and interest of the United States of America to that portion of the Naval Observatory grounds, with the improvements thereon, lying outside of Naval Observatory Circle and east of Massachusetts Avenue, NW., Washington, D. C., containing 14.449 acres, more or less, and also that other portion lying outside of and adjoining said Naval Observatory Circle on the south, containing 1.706 acres, more or less, in consideration of which the Board of Commissioners of the District of Columbia are authorized and empowered to convey to the United States of America, free from all encumbrances and without cost to the United States of America, all right, title, and interest of the District of Columbia to that portion of the Industrial Home School site, with the improvements thereon, lying within said Naval Observatory Circle, containing approximately 6.76 acres: *Provided*, That the said board of commissioners are further authorized and empowered on behalf of the District of Columbia to utilize or sell, as they see fit, all of that remaining portion of the said Industrial Home School site with the improvements thereon lying outside of the said Observatory (1,000-foot radius) Circle, and also all of the land and improvements thereon east of Massachusetts Avenue and south of said Naval Observatory Circle, hereunder authorized to be acquired from the United States of America: *Provided further*, That if utilized the land shall be used for school, playground, or highway purposes or transferred to the Director of Public Buildings and Parks to become part of the park system of the District of Columbia: *Provided further*, That all of the proceeds from the sale of the aforesaid Industrial Home School property and one-half of the proceeds from the sale of any of said lands mentioned as lying east of Massachusetts Avenue and south of said Naval Observatory Circle shall be deposited in the Treasury of the United States to the credit of the District of Columbia and are made available for the purchase of a site and the erection thereon of suitable buildings for a new Industrial Home School: *Provided further*, That the remaining half of the proceeds from the sale of any of said land lying east of Massachusetts Avenue and south of said Naval Observatory Circle shall be deposited in the Treasury of the United States to the credit of the Naval Observatory, and is made available, under the direction of the Secretary of the Navy, for improving the property within said Naval Observatory Circle: *And provided further*, That the said Board of Commissioners of the District of Columbia shall be permitted to continue to use all of the Industrial Home School property herein mentioned until such time as it may have acquired another site and constructed suitable buildings thereon in which to house the inmates of said Industrial Home School.

Sec. 2. The Secretary of the Navy, on behalf of the United States, and the board of commissioners, on behalf of the District of Columbia, are hereby authorized to execute and deliver all instruments necessary to accomplish the aforesaid purposes.

The SPEAKER. Without objection, the word "the," next to the last word on line 9 of page 2, will be corrected as to spelling. It appears here as "he."

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

#### NEGOTIATIONS BY THE SECRETARY OF THE INTERIOR WITH DRAINAGE DISTRICTS

The next business on the Consent Calendar was the bill (H. R. 15284) to authorize the Secretary of the Interior to negotiate with irrigation districts, drainage districts, and water users' associations for release from obligation to construct drainage works, and for corresponding reduction in contract obligations of such districts and associations.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to call the attention of the gentleman from Idaho to the Secretary's letter on page 2 of the report, as follows:

For this and other reasons, it seems desirable that, where feasible, the irrigation districts or associations do the necessary drainage work with their own organizations and at their own expense.

Where does the gentleman carry that out in the bill?

Mr. SMITH. The gentleman from Michigan [Mr. CRAMTON] has an amendment which he wishes to offer in connection with the consideration of the bill which I think will cover that.

Mr. LAGUARDIA. Has the gentleman from Michigan an amendment?

Mr. CRAMTON. I have an amendment which I propose to offer.

Mr. LAGUARDIA. Does it cover that?

Mr. CRAMTON. In my judgment it does. If not, I am sure the gentleman will offer an amendment that will not be objected to, if mine does not cover it.

Mr. LAGUARDIA. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to negotiate with irrigation districts, drainage districts, and water users' associations having contracts with the United States for the construction, operation, and maintenance of drainage works on reclamation projects constructed and operated under the act of June 30, 1902 (32 Stat., p. 388), and acts amendatory thereof and supplementary thereto, for the release of the United States in whole or in part from the obligations imposed by such contracts to construct drainage works, in consideration of an appropriate reduction of construction costs; and to consummate by means of amendatory contracts or in such other manner as may be found most appropriate, such arrangements as may be thus made.

With committee amendment, as follows:

Page 1, line 8, strike out the figures "30" and in lieu thereof insert the figures "17." On page 2, line 5, strike out the words "and appropriate" and insert in lieu thereof "a commensurate."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer a further amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 8, after the word "made," strike out the period and insert a colon and the following: "*Provided*, That such authority to negotiate for such relief shall only exist where the operation and management of such a reclamation project has been taken over by such district or association."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

## COMPACTS CONCERNING THE NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (S. 4409) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SIMMONS. Reserving the right to object, Mr. Speaker, I shall have to object to the present consideration of this bill. I shall not object, however, if the gentleman from Wyoming [Mr. WINTER] requests that it be passed over without prejudice.

Mr. WINTER. Well, in view of that statement I will ask that it be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. SIMMONS. I object, unless the gentleman from Wyoming makes the request that it be passed over. The gentleman does make that request that it be passed over without prejudice.

The SPEAKER. Without objection, the bill will be passed over without prejudice.

There was no objection.

## SUSPENSION OF THE RULES

The SPEAKER. Gentlemen have asked the Chair at what time a motion to suspend the rules will be recognized by the Chair. The Chair will state that that will be done at 3 o'clock. The Clerk will report the next bill.

## WATERS OF THE BELLE FOURCHE AND CHEYENNE RIVERS

The next business on the Consent Calendar was the bill (S. 4411) granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to point out to the gentleman from Wyoming that the Secretary in his letter suggests that there is no provision in the bill authorizing an appropriation for the representatives who are to negotiate these compacts or agreements.

Mr. WINTER. I have no objection to such an amendment, and I think the gentleman from Michigan [Mr. CRAMTON] has prepared one to that effect.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby given to the States of South Dakota and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Belle Fourche and Cheyenne Rivers and of the streams tributary thereto and of other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

Mr. CRAMTON. Mr. Speaker, I move to amend by inserting, at the end of section 2, the amendment I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 6, after the word "into," strike out the period, insert a colon, and add the following: "Provided, That there is hereby authorized to be appropriated out of the reclamation fund \$1,000, or so much thereof as may be necessary, to pay the expenses of such Federal participation."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

## HORSES FOR THE MILITARY ESTABLISHMENT

The next business on the Consent Calendar was the bill (H. R. 15838) to provide for the purchase of horses for the Military Establishment.

The Clerk read the title of the bill.

The SPEAKER. This bill requires three objections.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the necessity of this bill? Is not the Army buying horses every year?

Mr. VINSON of Kentucky. The purposes set forth in this bill are effectuated by legislative language carried in Army appropriation bills for many years, and this is to rectify that condition.

Mr. LAGUARDIA. There is no permanent legislation?

Mr. VINSON of Kentucky. Not on this subject.

Mr. BLACK of Texas. Mr. Speaker, still reserving the right to object, I understand the bill authorizes the purchase by the War Department of horses for breeding purposes.

Mr. VINSON of Kentucky. A certain limited number.

Mr. BLACK of Texas. So far as I am concerned, I think that is a purpose beyond the province of the War Department, and unless that language goes out I shall feel it is my duty to join with the other objectors.

Mr. VINSON of Kentucky. I will say to the gentleman from Texas that the War Department insists that the breeding of animals for Army and military purposes under the policy of this bill has served a real need. I may further say to the gentleman that while the Government owns some 500 horses, as I recall it, 200 of them have been donated free of cost.

Mr. BLACK of Texas. Let me say to the gentleman I think it would be just as reasonable for the War Department to purchase Hereford bulls and distribute them free in order to breed better beef for the Army as it is to purchase stallions and distribute them free in order to breed better horses. I think that this is an unnecessary activity on the part of the War Department and I shall feel compelled to object.

Mr. VINSON of Kentucky. If the Army were riding cows the observation of the gentleman might be very pertinent.

Mr. BLACK of Texas. There is no scarcity of horses in this country; there are millions available; and it is wholly unnecessary for the War Department to be purchasing stallions and placing them over the country, as it is now doing. It should be stopped.

Mr. VINSON of Kentucky. Let me present this further observation: This bill permits the purchase of horses below the standard set by the Army regulations for Cavalry and Artillery horses when they are used as remounts or for the Military Academy. A real economy will be effected.

Mr. BLACK of Texas. If the gentleman will permit, the only objection I have to the bill is that language which authorizes the War Department to purchase stallions for breeding purposes.

Mr. VINSON of Kentucky. Of course, the gentleman could offer an amendment striking that out.

Mr. BLACK of Texas. I think we had better not take it up at this time if we can avoid it.

The SPEAKER. Is there objection?

Mr. BLACK of Texas, Mr. BLANTON, and Mr. CAREW objected.

## UTILITIES OF THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 15661) to regulate the operation of sales commissaries and other utilities of the War Department selling services or supplies.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in operating sales commissaries of the War Department, other than in Alaska, Philippine Islands, and China, the prices charged shall include the customary overhead costs of freight, handling, storage, and delivery, notwithstanding the provisions of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes," approved July 5, 1884.

SEC. 2. In operating any utility of the War Department selling services or supplies the cost of the services or supplies so sold shall include all customary overhead costs of labor, rent, light, heat, and other expenses properly chargeable to the conduct of such utility.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.



## CITIZENS' MILITARY TRAINING CAMPS

The next business on the Consent Calendar was the bill (H. R. 15652) to fix the age limit for training in the first year's course in citizens' military training camps.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That no person shall be eligible for the training in the first year or lowest course of any citizens' military training camp who shall have reached his twenty-fourth birthday before the date of enrollment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## MILITARY TOPOGRAPHIC SURVEYS

The next business on the Consent Calendar was the bill (H. R. 15662) to further provide for the execution of topographic surveys for military purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the execution of topographic and other surveys, the securing of extra topographic data, the preparation and printing of maps required for military purposes, in the research and development of surveying by means of aerial photography, and in field reproduction methods, the Secretary of War is authorized to secure the assistance, wherever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## MENDON, UTAH

The next business on the Consent Calendar was the bill (H. R. 12851) granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That upon payment of \$1.25 per acre there is hereby granted to the city of Mendon, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Mendon, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The west half of section 12, township 11 north, range 2 east, Salt Lake meridian, and containing approximately 80 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendments:

Page 2, line 1, strike out the word "east" and insert in lieu thereof the word "west"; page 2, line 2, strike out the word "eighty" and insert in lieu thereof the words "three hundred and twenty."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## UNITED STATES COURT OF CUSTOMS APPEALS

The next business on the Consent Calendar was the bill (H. R. 16222) to change the title of the United States Court of Customs Appeals, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I do not intend to object—I desire to get some information from the gentleman from Pennsylvania. Is the business of the Customs Appeals Court in such condition that this will not cause a congestion of its docket?

Mr. GRAHAM. I will say in reply that the business of the court is in such a condition that this transfer ought first to be made. The Court of Customs Appeals is willing that it should be made, and the District Court of Appeals in the District is willing to part with it. Their business is so cluttered up at the present time that this transfer will be wholly beneficial, and it meets with the approval of all the parties in interest.

Mr. HOOPER. And it will not clutter up the business of this court?

Mr. GRAHAM. It will not.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the title of the United States Court of Customs Appeals created by the act approved August 5, 1909, is hereby changed to the United States Court of Patent and Customs Appeals.

SEC. 2. That the determination of appeals from the decision of the Commissioner of Patents in patent and trade-mark causes, now vested in the Court of Appeals of the District of Columbia in pursuance of the provisions of the act of February 9, 1923, shall hereafter be, and the same is hereby, vested in the United States Court of Patent and Customs Appeals: *Provided*, That all appeals from the decisions of the Commissioner of Patents now pending in the Court of Appeals of the District of Columbia but not submitted for decision, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred and delivered to the United States Court of Patent and Customs Appeals; and said United States Court of Patent and Customs Appeals is hereby vested with authority and jurisdiction to hear and determine the appeals so transferred.

With the following committee amendments:

Page 1, line 5, strike out the words "Patent and" and insert the words "and Patent" after the word "Customs."

Page 1, line 11, strike out the figures "1923" and insert in lieu thereof the figures "1893."

On page 2, in lines 1, 2, 8, and 9, strike out the words "Patent and" and insert the words "and Patent" after the word "Customs."

Page 2, line 11, strike out the period after the word "transferred" and insert a colon and the following proviso: "*Provided further*, That nothing in this act shall be construed as affecting in any way the jurisdiction of the Court of Appeals of the District of Columbia in equity cases."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to insert in the RECORD a comment upon the question of the constitutionality of this transfer. That question has been raised under a decision of the Supreme Court January 3, 1927, and these remarks would clearly, I think, establish the constitutionality of the act.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by publishing a statement upon the constitutionality of the act. Is there objection?

Mr. LA GUARDIA. May we have the remarks placed in the RECORD at this point?

The SPEAKER. The gentleman from New York asks unanimous consent that the remarks be placed in the RECORD at this point. Is there objection?

There was no objection.

The statement is as follows:

Congress exercises the function of creating courts under several different grants of power. It is expressly given the power of creating inferior courts to the Supreme Court of the United States in the administration of Federal justice under the grant of Article III of the Constitution. These courts exercise jurisdiction within the borders of each State in all cases described in the third article as judicial power extended by that article to the United States. Congress may create courts to exercise complete jurisdiction over the District of Columbia, as given it by reason of the exclusive governmental jurisdiction that it has over the District vested expressly by the Constitution. Congress may in the same way create courts to exercise complete and exclusive judicial

jurisdiction over the Territories of the United States under that provision of the Constitution which gives Congress the right to impose needful regulations over the territory and property of the United States. This latter power is also said by Chief Justice Marshall and others to grow out of the power of the United States as a sovereign to govern the territory which it owns, not in the States. In the same way it may be properly said that were there no third article to the Constitution, the United States as a sovereign Government could create courts to decide cases arising between it and private individuals, to construe and decide questions arising between the Government and such individuals in reference to its own taxes, its own grants, and in reference to its own debts. In other words, I conceive that without the special grant of power under the third article of the Constitution Congress could exercise the power of a sovereign, create a court of claims to pass on the debts which the United States may owe to individuals, on grants of lands which it may have granted to individuals, to grants of patent rights which it may have granted to individuals, and the construction and decision of cases arising under the customs or internal revenue laws affecting the payment of the revenue which a sovereign must collect in order that it may live. With reference to these latter courts, it may be said that the same rigid rule would not be applied to the functions which Congress may give to them as to whether they shall be purely judicial or not, as has been applied in respect to courts that exercise a Federal jurisdiction under the third article of the judicial power of the United States, as distinguished from the general administration of justice by the States within State borders, which could not exist but for the third article. In this way the Court of Claims, the Court of Customs Appeals, and a court of patents may be easily distinguished from the Supreme Court and its subordinate courts under the third article in respect to limitation to strictly judicial functions.

The Supreme Court and the subordinate courts of the United States, exercising jurisdiction within the several States of the Union, all deal with cases and controversies in the sense of the third article of the Constitution, but as to courts which are not concerned with the exercise of judicial power within or affecting the several States, there is reason to believe that they stand on a different plane, and that as they are brought into being and exist in virtue of the sovereignty of the United States, and of its power to do all that is essential to the effective exercise of a government, such as aiding in the enforcement of the taxation laws, aiding in the administration and enforcement of the public land laws and the Indian laws, and in the ascertainment and determination of claims against the United States and the administration of the laws relating to the granting of patents, copyrights, and trade-marks, they may be invested with jurisdiction and powers which lie outside of and beyond the controversies and cases which are comprehended by the third article of the Constitution. Illustrations of this will be found in the court of private-land claims, which for many years ascertained and reported the facts respecting conflicting claims to lands, jurisdiction over which was ceded to the United States by Mexico, to the special Indian court, which dealt with claims to citizenship of the Five Civilized Tribes in the Indian Territory when Congress was preparing that region for admission to the Union as a State, to the Court of Claims, and especially its power and authority to examine and report on claims, at the instance of either House of Congress or at the instance of any of the executive departments of the Government. In *Gordon v. United States* (117 U. S., Appendix 697, 699), Chief Justice Taney said:

"So far as the Court of Claims is concerned, we see no objection to the provisions of this law. Congress may undoubtedly establish tribunals with special powers to examine testimony and decide, in the first instance, upon the validity and justice of any claim for money against the United States, subject to the supervision and control of Congress or a head of any of the executive departments."

And while in that and other cases it is held that where the action of such a tribunal is intended to be advisory only, and in aid of legislative or administrative action, there can be no review by the Supreme Court, the cases all recognize that Congress, consistently with the Constitution, may establish special tribunals and clothe them with power to ascertain and decide facts and report them as a basis for legislative or administrative action, without putting them in the form of a controlling judicial judgment.

The case of the *Postum Cereal Co. v. California Fig-Nuts Co.*, decided January 3, 1927, following the case of *Keller v. The Potomac Electric Power Co.* (261 U. S. 428), which in turn followed the case of *Baldwin v. Howard* (256 U. S. 35), and *Muskat v. United States* (219 U. S. 346), were cases in which the jurisdiction of the Supreme Court of the United States was in question, and it was held that its power and jurisdiction as a court was limited to judicial cases and controversies and could not extend to mere decisions as by a commission or special tribunal created for the purpose of aiding governmental functions, whether legislative or administrative. But these cases would not apply to a Court of Customs and Patent Appeals, to whose jurisdiction Congress may properly add the duties of an administrative tribunal for governmental purposes.

#### AGREEMENT BETWEEN MONTANA AND PRIVATE OWNERS FOR GRAZING

The next business on the Consent Calendar was the bill (H. R. 15603) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I ask the gentleman to let this go over and not take it up at this time.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Montana? [After a pause.] The Chair hears none, and the bill will go to the foot of the calendar.

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS AT MARION, IND.

The next business on the Consent Calendar was the bill (H. R. 9265) to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HILL of Maryland. Reserving the right to object, this bill is the same as S. 4027. These bills were referred to the Committee on Public Buildings and Grounds instead of to the Military Affairs Committee. I ask unanimous consent that both bills be recommitted to the Military Affairs Committee.

The SPEAKER. The gentleman from Maryland asks unanimous consent that this bill H. R. 9265, and a similar bill S. 4027, be recommitted to the Committee on Military Affairs.

Mr. VESTAL. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. VESTAL. This bill, while probably it should have been referred to the Military Affairs Committee, has been referred to the Committee on Public Buildings and Grounds. That committee has taken jurisdiction, had hearings on the bill, and, it seems to me, that at this time the request of the gentleman from Maryland ought not to be made and ought not to be granted.

Mr. HILL of Maryland. Let me say that the Military Affairs Committee has already had hearings on the bill and is ready to report it.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BLANTON. The rule is that when a bill goes to the Public Buildings Committee when it should have gone to the Military Affairs Committee and the Military Affairs Committee makes no objection to the Committee on Public Buildings and Grounds reporting the bill, it comes before the House in a proper legislative shape, even though originally it should have gone to the Military Affairs Committee. So the gentleman has lost his day in court.

Mr. HILL of Maryland. And for that reason I am asking unanimous consent that it be recommitted to the Military Affairs Committee.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. I object.

Mr. VESTAL. Let me say that the chairman of the Military Affairs Committee gave his consent that the bill should go to the Committee on Public Buildings and Grounds. This is a very important bill and it ought to be passed.

Mr. HILL of Maryland. That is correct; the chairman of the Military Affairs Committee did not understand that hearings had already been held on the bill. I object to the consideration of the bill at this time, Mr. Speaker. I favor the bill and will assist in its final passage.

#### PER CAPITA PAYMENTS TO INDIANS OF THE CHEYENNE RIVER RESERVATION, S. DAK.

The next business on the Consent Calendar was the bill (H. R. 16212) to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I would like to ask the gentleman if these funds are paid directly to the Indians?

Mr. WILLIAMSON. They are paid directly to the Indians under the direction of the Secretary of the Interior.

Mr. LAGUARDIA. Does this take all the money they have?

Mr. WILLIAMSON. Oh, no; they have a general fund of \$1,115,000, but they have been going through a hard winter and



It is desired to give them a little money out of their own funds so that they can buy seed for the spring planting.

Mr. LAGUARDIA. Why do we not give them all of their money and establish their status as citizens so that some time in the future perhaps our great-grandchildren will see the Indian Bureau closed?

Mr. WILLIAMSON. That is not important now. What we are after is to let these Indians have some of their own money so that they can go ahead and do their planting in the spring.

Mr. LAGUARDIA. I am interested a little further than next spring.

Mr. HOOPER. This will amount to two or three hundred dollars per capita?

Mr. WILLIAMSON. Oh, no; not over \$10 or \$15 per capita—the amount is within the discretion of the Secretary of the Interior.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such rules and regulations as he may prescribe, to make reasonable per capita payments to the Indians of the Cheyenne River Reservation from their tribal funds on deposit in the Treasury of the United States under section 6 of the act of May 29, 1908 (35 Stat. L. p. 463).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### CORRECTING ERROR IN PUBLIC, NO. 526, SIXTY-NINTH CONGRESS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 332) to correct an error in Public, No. 526, Sixty-ninth Congress.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to know what the error is that ought to be corrected?

Mr. GRAHAM. It is an error in engrossing the copy as it passed both Houses. In the act as it stands it reads "an officer" and we desire to have it amended to read "a civil officer."

Mr. BLANTON. I withdraw the reservation, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas the act entitled "An act to require the filing of an affidavit by certain officers of the United States," approved December 11, 1926 (Public, No. 526, 69th Cong.), was prior to its passage, amended by the Senate, which amendment was agreed to by the House, by striking out the word "an" before the word "officer" in the third line of the first section of said act and by inserting in lieu thereof the words "a civil"; and

Whereas said act as presented to and approved by the President did not contain said amendment: Therefore be it

*Resolved, etc.,* That the first section of the said act entitled "An act to require the filing of an affidavit by certain officers of the United States," approved December 11, 1926 (Public, No. 526, 69th Cong.), be corrected and amended so as to read as follows:

"That each individual hereafter appointed as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, shall, within 30 days after the effective date of his appointment, file with the Comptroller General of the United States an affidavit stating that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing such appointment."

With the following committee amendments:

Strike out the preambles, and on page 2, line 3, strike out the word "said."

The committee amendments were agreed to, and the joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### AGREEMENT BETWEEN MONTANA AND PRIVATE OWNERS OF LAND FOR GRAZING, ETC.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to return to No. 843 on the calendar (H. R. 15603) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes.

The SPEAKER. The gentleman from Montana asks unanimous consent to return to H. R. 15603. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to enter into a cooperative agreement or agreements with the State of Montana and private owners of such lands in townships 4 north of ranges 50 and 51 east; 5 north of ranges 45, 50, and 51 east; and 6 north of ranges 49, 50, and 51 east, Montana principal meridian, as lie between Mizpah and Pumpkin Creeks, in the State of Montana, whereby such lands and lands within the same area belonging to the United States may be jointly leased for a period of not to exceed 10 years to stockmen owning lands within or adjacent to the said area, under such rules and regulations as the Secretary of the Interior may prescribe; and to enter into such an agreement and issue such a lease to a regularly organized association of such stockmen as will fulfill the purposes of this act: *Provided*, That the lands of the United States within the said area shall be withdrawn from all forms of homestead entry during the period of said lease but shall remain subject to the mineral land laws of the United States: *And provided further*, That any lease issued under the provisions of this act shall be for grazing and range development purposes only: *And provided further*, That the Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes of this act with a view to securing the fullest possible benefit to the Government and the livestock industry of such studies as may be made of the operation and results of said cooperative agreements and leases.

Mr. LAGUARDIA. Mr. Speaker, the reason I objected to this bill when it was called up first is that it seeks to do by piecemeal what the general grazing bill would do all over the country. The general grazing bill has been reported favorably in the Senate, but it has not yet in the House.

If we are going to get at this project in any way, we ought to do it in an orderly way, and unless the Committee on the Public Lands reports out the general grazing bill, which has been recommended by the department and on which hearings have been held all over the country, I do not believe that in the future we ought to allow small bills to come out for certain localities, and in that way seek to benefit one locality at the expense of another. That is the reason for my objection. I think the general grazing bill ought to be reported out by the committee.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### PATENTS ISSUED TO PERSONS SERVING IN WORLD WAR

Mr. BLANTON. Mr. Speaker, I ask unanimous consent concerning the enrolled bill, S. 4480, passed by the Senate and House and signed by the Speaker, providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War, which has been on the Speaker's desk since December 13, 1926, that the Speaker be directed to return it to the Senate with notice that the House has refused to rescind its action. The gentleman from Indiana [Mr. VESTAL] is here. I asked him to be present. That is a bill, Mr. Speaker, which protects the patent-right applications of the American Legion boys who were in France at a time when they could not be here in this country to protect their own rights. I think to permit the bill to lie on the Speaker's table any longer and finally die with adjournment would not be treating the soldier boys right. They are entitled to this protection. They were not here to speak for themselves. We sent them over to France, and this bill was passed in their behalf. It ought to be sent back to the Senate, so that the Vice President may sign it and send it to the White House.

Mr. VESTAL. Mr. Speaker, I shall be compelled to object to the request of the gentleman from Texas and for this reason—and I desire to take the responsibility myself in this matter—and shall give the House just a short history of the bill and the reason for my objection. This bill was passed by the Senate during the closing days of the last session of Congress, just two or three days before we adjourned. It was brought over here and was referred to our committee. We did not have any public hearings on the bill. I think it was brought here probably next to the last day of the session. One gentleman spoke for the bill, and in the hurry of business we

reported the bill out. We did not object to it. The bill was passed on the last day of the session. No public hearings were held. The bill was not signed by either the Speaker or the Vice President at that time, and at the beginning of this session the Senate held hearings on this particular bill.

Mr. BLANTON. Oh, this bill was signed by the Speaker. It was enrolled.

Mr. VESTAL. No. I am giving the statement of facts exactly. The bill was not signed by the Speaker and was not signed by the President of the Senate.

Mr. BLANTON. Will the gentleman say that it has not got the signature of the Speaker on it now?

Mr. VESTAL. I wish the gentleman would permit me to finish my statement. The Senate held hearings immediately at the beginning of this session, and by unanimous vote of the Senate, requested that the Vice President not sign the bill. In the meantime the Speaker had signed the bill, I think on probably the first or the second day of this session. Then the request came over here unanimously by the Senate, that the Speaker withdraw his name from the bill. I made that request, and the gentleman from Texas [Mr. BLANTON] objected. Since that time a similar bill has been introduced in the Senate and a similar bill has been introduced in the House. Hearings have been held on that bill in the Senate, and I understand that an unfavorable report has been made on the bill in the Senate.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. And I expect to hold hearings on the bill here, which has been introduced in the House. I am mistaken about that. I am informed that the Senate has not acted on it. They have simply held hearings.

The House Committee on Patents was called together and this particular bill considered. By a unanimous vote of the committee, with the exception of the gentleman from North Carolina [Mr. HAMMER], who is not present, and the gentleman from New York [Mr. BLOOM] and one other gentleman, who was out of the city, it was the judgment of the committee that this bill ought not to become a law, and it is at the request of the committee that I make this objection.

Mr. BLANTON. Will the gentleman yield now?

Mr. VESTAL. Yes.

Mr. BLANTON. I think the gentleman is in error when he says it was the unanimous vote of the Senate. I dare say there were not 10 Senators at the other end of the building who even knew about this matter. It was brought up on a motion and passed perfunctorily as motions pass here without the membership knowing anything about the merits. This was a bill to protect the rights of the ex-service men in reference to patent applications when they were in the trenches of France and could not protect themselves. It is a question of giving them these rights—

Mr. VESTAL. But I think this bill goes entirely too far.

Mr. BLANTON. I know the big manufacturing interests, the large interests, are against the interests of the soldier boy.

SEVERAL MEMBERS. Regular order!

Mr. BLANTON. And it is the influence of them that keeps this bill from coming up here and being passed.

Mr. VESTAL. I object.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to raise a parliamentary question in connection with this measure in order to have a ruling by the Chair. I make the point of order that it is the duty of the Chair to return the bill to the Senate in the form in which it now is. Now, I do not propose to deal in any way with the merits or demerits of the legislation. I am presenting simply a parliamentary question. The duty of transmitting this bill is, of course, a part of the Clerk's duty, as I understand it, but the Chair necessarily exercises a certain control over these measures. This is a bill that passed the Senate and the House in the regular way, and has received the signature of the presiding officer of the House, the Speaker of the House, in accordance with the law and the rules of the House, and the Senate returns the bill to us from that body with the request that we take certain action concerning it. That action the House declines to take. There is nothing further that the House can do about the matter, and I respectfully submit, Mr. Speaker, that since the duty of the Chair in signing a measure is purely clerical, that the Chair in holding the bill upon the Speaker's table is exceeding the authority of the Chair.

Mr. BLANTON. Will the gentleman yield? The only precedent for holding that it requires a motion of the House, occurred back some 15 or 20 years ago, when a similar situation rose. Just as soon as the House refused to rescind, the party who had charge of the bill asked and obtained unanimous consent that the bill be sent back to the Senate with notice of

their refusal, and because the party did that it did not establish a precedent that it was necessary for the House to take that action, but the House should have done it automatically.

Mr. GARRETT of Tennessee. I understood in that case there was no parliamentary question raised.

Mr. BLANTON. No; there was not. That is a precedent that does not cover the situation. I believe it is the duty of the Speaker as, an automatic proposition, to return the bill back to the Senate with notice that the House refused to rescind its action.

Mr. FISH. If the gentleman will yield, is not the proper procedure, if we have gone too far on this bill, to offer another bill to amend it?

Mr. BLANTON. No; the bill ought to be sent back to the Senate for the Vice President to sign and then send it to the White House for the President to sign or to veto it. But if we hold it up and it takes an order and the Speaker refuses to recognize us to make a motion for an order, it is, in fact, the Speaker making a pocket veto of a bill. It passed both Houses, and I take it neither the Speaker nor the floor leader would want to establish that precedent that the Speaker of the House could kill a bill under such circumstances by refusing recognition to some one to suspend the rules.

The SPEAKER. The Chair is ready to rule. The resolution here to be sent to the Senate is that the Speaker have authorization to sign the enrolled bill. The Speaker does not deem it his duty in the absence of an order from the House to do this. So far as the question of privilege is concerned, there is no privilege attached to this matter.

Quoting from section 4694 of volume 4 of Hinds'—

A request of the Senate for the return of a bill, no error being alleged, does not make in order a motion in the House to discharge the committee having possession of the bill.

That is the position of this bill. The Chair thinks that the only way to rescind his signature would be by order of the House by rule or by unanimous consent.

Mr. GARRETT of Tennessee. Mr. Speaker, as to the precedent which the Chair read, I do not think it is exactly in point. That is a case where the Senate requested the return of a bill. The Chair simply held that it was not privileged. But in this case the Senate made a specific request, upon which the House took action, declining that request. So that now the bill is just in the position of any other bill that has passed the House and has been signed by the Speaker.

The SPEAKER. In the case the Chair referred to there was a direct request that the House of Representatives should return a Senate bill. The Speaker ruled that it was not a matter of privilege; that it had to be done by unanimous consent.

Mr. GARRETT of Tennessee. On the bill under discussion the request was that the House take certain action, not the return of the bill, but to virtually rescind its action in passing it. That is what it amounted to—a killing of the bill—and the House declined to accede to that request, but the Chair is killing it by holding it on the table.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. CHINDBLOM. Does the gentleman contend that because the House refused to grant the unanimous-consent request, that thereby the House took action? That was not the case. The effort was merely made to get action by the House at an unusual time and in an unusual manner in violation of the rules. The House refused to act in that manner.

Mr. GARRETT of Tennessee. The House acted on it in the only way it had opportunity to act.

Mr. CHINDBLOM. The House could act by resolution. The matter is not privileged. It would have come up as any other matter.

Mr. GARRETT of Tennessee. Then it is the contention of the gentleman from Illinois that if the Senate returned to us a bill that we had passed and that it had passed, with a request that we do a certain thing, and we refused to do that, that kills the bill?

Mr. CHINDBLOM. No. If the gentleman will yield to me a moment, I will state my view. The Senate has sent this bill to the House with the request that the House do a certain thing. The House has not yet refused to do the thing the Senate requested. The Senate, if it so desires, if it believes the House is unduly delaying the matter, can pass another resolution requesting the House to send the bill back to it. Surely the House is not responsible for this condition simply because there has not been obtained the consent of every Member of the House to dispense with its rules and proceed in an exceptional manner.

Mr. GARRETT of Tennessee. The point of my contention is that the function of the Speaker in signing a bill is a clerical



function; that it is mandatory upon him to sign the bill without reference to whether he approves the measure or not, and after having signed the bill, as he has done in this case, it is his clear duty to put it on the ways in some way. What the Vice President may do in the Senate is another matter.

The SPEAKER. The Chair has before him a precedent to which he wishes to refer.

A request of the Senate that the House vacate the signature of the Speaker to an enrolled bill, was denied by the House, unanimous consent being refused. On June 23, 1902, in the Senate, Mr. James K. Jones, of Arkansas, by unanimous consent, presented and the Senate agreed to the following resolution:

"Resolved, That the Secretary of the Senate be directed to return to the House of Representatives the enrolled copy of the bill (S. 5718) providing for the sale of sites for manufacturing plants or industrial plants in the Indian Territory, and request the House of Representatives to vacate the action of the Speaker in signing said enrolled bill, and to return said enrolled bill and the message of the Senate agreeing to the amendment of the House of Representatives to said bill to the Senate."

Mr. Jones at the same time entered a motion to reconsider the vote by which the Senate concurred in the amendment of the House to the bill.

On June 26, the resolution of the Senate was read, and the Speaker, Speaker Henderson, said:

This being a request for the erasing of name of Speaker from a bill, and there being no allegation that the request is for the purpose of correcting an error, the Chair feels that this should be done by unanimous consent.

In other words, the Chair does not feel that he is authorized to take the action requested unless ordered to do so by the House, and that question is not a matter of privilege. It can only be done by unanimous consent or a rule.

Mr. BLANTON. Will the Speaker permit a parliamentary inquiry?

The SPEAKER. He will.

Mr. BLANTON. This bill having been passed by the Senate and engrossed and sent to the House and acted upon here and enrolled and signed by the Speaker, this request of the Senate, that the House rescind its action, could be granted only by unanimous consent of the House.

The SPEAKER. It could be granted in any way that a measure that is not privileged could be granted.

Mr. BLANTON. Then the Speaker could recognize some one to move the adoption of an order under suspension of the rules to return the bill to the Senate with notice that the House refused to rescind.

The SPEAKER. The Chair thinks so.

Mr. BLANTON. I hope the Speaker will do that.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE OHIO RIVER NEAR THE CITY OF POINT PLEASANT, W. VA.

The next business on the Consent Calendar was the bill (H. R. 14841) granting the consent of Congress to the Ohio & Point Pleasant Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Point Pleasant, W. Va., to a point opposite thereto in Gallia County, State of Ohio.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I would like to state that this permit, if granted, will allow this company to build a bridge at the same place where Congress granted another permit about a month or two ago. I would like to state further that the citizens on both sides of the river where this bridge will be located, by their letters and telegrams, have indicated they do not want this permit granted, because it will result in confusion in financing the bridge that has already been allowed. For that reason, Mr. Speaker, I am moved to object.

The SPEAKER. Objection is heard.

BRIDGE ACROSS THE OHIO RIVER NEAR THE TOWN OF MASON, W. VA.

The next business on the Consent Calendar was the bill (H. R. 14842) granting the consent of Congress to the Pomeroy-Mason Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of Mason, Mason County, W. Va., to a point opposite thereto in the city of Pomeroy, Meigs County, Ohio.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I wish to make a statement with reference to this bill. This concern is seeking a permit to build a bridge within 18 miles of where this other permit was asked for. Representing the people on the Ohio side, I have taken the position that this bridge would hardly be necessary if the bridge at Gallipolis is built, but I have been assured by those who seek this permit that the bridge will be built, and in order that I may have the RECORD show their agreement, I wish to read about four lines from a telegram received to-day:

My clients will begin work on Pomeroy Bridge this summer if authorization is granted, no matter what the outcome at Point Pleasant.

This telegram is signed by the attorney of the company seeking this permit. While I would have objected, as before indicated, but with this assurance I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Pomeroy-Mason Bridge Co., a West Virginia corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, between a point at or near the town of Mason, Mason County, W. Va., and a point opposite thereto in the city of Pomeroy, Meigs County, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Pomeroy-Mason Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such land or property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Pomeroy-Mason Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, the State of Ohio or the State of West Virginia, or any political subdivisions thereof within or adjoining which such bridge is located, may at any time jointly or severally acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real estate necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 30 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of all other cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired as provided in section 4 of this act, and if tolls are charged for the use thereof, in fixing the rates of toll to be charged the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches, and any interest that shall accrue on money borrowed for that purpose, shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The Pomeroy-Mason Bridge Co., its successors and assigns, shall immediately after the completion of such bridge, file with the Secretary of War, a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual

cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion cost. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the cost of constructing the same and for such purpose the said Pomeroy-Mason Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to the cost of the bridge shall be conclusive, subject to review in a court of equity for fraud or mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to the Pomeroy-Mason Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the consent of Congress is hereby granted to the Pomeroy-Mason Bridge Co., a West Virginia corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between a point at or near the town of Mason, Mason County, W. Va., and a point opposite thereto in the city of Pomeroy, Meigs County, Ohio, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the Pomeroy-Mason Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

"SEC. 3. The said Pomeroy-Mason Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

"SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Ohio, the State of West Virginia, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenue or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

"SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected

shall be kept, and shall be available for the information of all persons interested.

"SEC. 6. The Pomeroy-Mason Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said Pomeroy-Mason Bridge Co., its successors and assigns, shall make available all of its record in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Pomeroy-Mason Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred or who shall acquire the same by mortgage foreclosure or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### BRIDGE ACROSS THE OHIO RIVER NEAR STEUBENVILLE, OHIO

The next business on the Consent Calendar was the bill (H. R. 14920) to amend an act entitled "An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio," approved May 7, 1926.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4 of "An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio, approved May 7, 1926," be and is amended to read as follows:

"SEC. 4. After the completion of such bridge, the State of Ohio, or the State of West Virginia, or any political subdivision or subdivisions thereof, within or adjoining which such bridge is located, may at any time jointly or severally acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real estate necessary therefor, by purchase or by condemnation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 30 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of all other cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements."

With the following committee amendment:

Strike out all after line 7, page 1, and insert the following:

"SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Ohio, the State of West Virginia, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost



of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements."

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Illinois a question. This is an interstate bridge?

Mr. DENISON. Yes.

Mr. GARRETT of Tennessee. Why is it deemed necessary for the Federal Government, through the Congress, to undertake to fix what the States shall pay for this bridge if they ever choose to exercise the right of eminent domain and take it over? Of course, this is an interstate bridge and I can see some distinction, but there is another bill here to which I am going to offer an amendment when the time comes.

Mr. DENISON. In the case of an interstate bridge the view of the committee is that neither State can take it over by condemnation. But where Congress has granted the franchise to construct it and where Congress in the bill granting the franchise has fixed the terms for taking it over, it can only be taken over by the States in accordance with those terms.

Mr. GARRETT of Tennessee. It occurs to me the Congress is going rather far afield when, in protecting the only interest the Government has, it provides what the States shall pay. The only interest the Federal Government has is to be sure a bridge shall be constructed which shall not interfere with navigation. That is all the interest on earth the Federal Government has, and for the Federal Government to assume to say what the States shall pay, it seems to me, is going rather far afield.

Mr. DENISON. The gentleman seems to misunderstand the provisions of the bills we are now passing. We are trying to protect the interests of the States. Unless we put a limitation upon the amount to be paid, if the States should condemn the bridge they would have to pay the full measure of damages. We are imposing a limitation so the people will not be exploited, but can take over the structure at the actual value of the bridge itself without having to pay for its earning power which the public itself has given it.

Mr. GARRETT of Tennessee. I understand the theory upon which the gentleman is proceeding, and I simply want to say it seems to me Congress has pretty well exercised its function when it has provided that the State may acquire it. There might be some doubt about that if consent is not given, it being an interstate bridge; but it is not particularly the function of the Congress to determine what the State shall pay for it.

Mr. DENISON. May I state to the gentleman from Tennessee another matter which he has doubtless overlooked? Congress not only has jurisdiction over this subject, because of our control or jurisdiction over navigation on the river, but we also have jurisdiction over it because the tolls that are charged are a tax on interstate commerce over the bridge, and for that reason Congress has the additional jurisdiction of regulating the tolls that are charged on such commerce.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE OHIO RIVER NEAR ST. MARYS, W. VA.

The next business on the Consent Calendar was the bill (H. R. 14930) granting the consent of Congress to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of St. Marys, Pleasants County, W. Va., to a point opposite thereto in Washington County, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, this is another bridge bill and, as I remember it, it is quite long. It is in accordance with the forms which have been agreed upon by the committees of the House and of the Senate, and therefore I do not think it is necessary to delay the House or to take up the time necessary to read the bill. I am sure it is in proper form, and therefore in order to save time and permit the committee to reach other bills that are important I ask unanimous consent that the reading of the bill may be dispensed with.

Mr. RANKIN. Will the bill be printed in the Record at this point?

Mr. DENISON. Yes; they will all be printed in the Record. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill referred to follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interest of navigation, between a point at or near the town of St. Marys, Pleasants County, W. Va., and a point opposite thereto in Washington County, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon the H. A. Carpenter Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such land or property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

Sec. 3. The said H. A. Carpenter Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. After the completion of such bridge, the State of Ohio or the State of West Virginia, or any political subdivision thereof within or adjoining which such bridge is located, may at any time jointly or severally acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real estate necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 30 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of all other cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

Sec. 5. If such bridge shall at any time be taken over or acquired as provided in section 4 of this act, and if tolls are charged for the use thereof, in fixing the rates of toll to be charged the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches and any interest that shall accrue on money borrowed for that purpose shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Sec. 6. The H. A. Carpenter Bridge Co., its successors and assigns, shall immediately after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion cost. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the cost of constructing the same, and for such purpose the said H. A. Carpenter Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to the cost of the bridge shall be conclusive, subject to review in a court of equity, for fraud or mistake.

Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the H. A. Carpenter Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the consent of Congress is hereby granted to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between a point at or near the city of St. Marys, Pleasants County, W. Va., and a point opposite thereto in Washington County, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"Sec. 2. There is hereby conferred upon the H. A. Carpenter Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

"Sec. 3. The said H. A. Carpenter Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

"Sec. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Ohio, the State of West Virginia, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of: (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

"Sec. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

"Sec. 6. The H. A. Carpenter Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said H. A. Carpenter Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to the H. A. Carpenter Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized

and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### RECONNAISSANCE WORK IN THE RIO GRANDE VALLEY

The next business on the Consent Calendar was the bill (H. R. 16209) to authorize an appropriation for reconnaissance work in conjunction with the middle Rio Grande conservancy district to determine whether certain lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians are susceptible of reclamation, drainage, and irrigation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to substitute the Senate bill (S. 5197) in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to provide for reconnaissance work on the lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians, or so much thereof as may be susceptible of irrigation, lying within the exterior boundaries of the middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, but not subject to district assessments, and to enable the Secretary of the Interior to provide for surveys, examinations, and the preparation of plans and specifications for the reclamation, drainage, and irrigation of said lands and conservation of waters appurtenant thereto, in cooperation with said middle Rio Grande conservancy district, in the preparation of plans for like improvements to lands in white ownership, said money to be paid to said district from time to time as said work proceeds, such payments to be made in proportion to the expenditures made by the district in the ratio that the area of the Indian lands bears to the other lands to be benefited, and under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That said Secretary, through the Commissioner of Indian Affairs, shall designate an engineer, who shall represent the department in the preparation of said plans and report thereon, and said sum or any part thereof that may be expended for this reconnaissance work shall be reimbursable if and when the project referred to is adopted for construction, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. MORROW. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New Mexico offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the Senate bill offered by Mr. MORROW, of New Mexico: Page 2, line 10, strike out the rest of the line after the comma after the first word.

Page 2, line 11, strike out the words "land in white ownership"; in the same line strike out the last two words, "to said."

Page 2, line 12, strike out the first word "district."

Page 2, line 13, after completion of first word, "payments," insert the following: "including the salary and expenses of the engineer hereinafter referred to"; in same line, after the word "expenditures," insert the following: "heretofore or hereafter."

Page 2, line 15, strike out the word "and" and insert after the word "benefited" the following: "such expenditures to be subject to the approval of the Secretary of the Interior and to be made."

Page 2, line 20, after the comma after the word "thereon," insert the following: "and whose salary and expenses shall be paid out of the funds herein authorized to be appropriated: *Provided further*, That."

Page 2, line 22, after the word "reimbursable," strike out the rest of the line, and also lines 23 and 24, and insert in lieu thereof the following: "by said Indian lands if and when the participation by the United States in construction of said project is approved by the United States, such reimbursement to be in accordance with the terms of the act of Congress approving such participation: *Provided further*, That the Secretary of the Interior shall report to Congress the results of said reconnaissance work and his recommendations thereon."

Mr. CRAMTON. Mr. Speaker, I was not sure, in the reporting of the amendment, that the amendment reached the language that is in lines 10 and 11 of the House bill, "in the



preparation of plans for like improvements to lands in white ownership." Does the amendment reach that language and strike it out?

Mr. MORROW. I think it does.

Mr. CRAMTON. I was not sure. As I heard the amendment reported I noticed the word "district" stricken out in line 12, but I did not understand, with respect to the language "in the preparation of plans for like improvements to lands in white ownership," and, again, the words "to said," preceding the word "district." That is all to be stricken out?

Mr. MORROW. I think that is stricken out.

The amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I move to strike out the last word.

This bill is of considerable importance in its future possibilities, and I think there is one suggestion that should be made a matter of record in connection with it.

This bill affects a district 150 miles long and 6 miles wide, involving a question of irrigation and drainage of private lands intermingled with Indian lands. The bill provides for cooperation between the Government and these private owners in an investigation, and an appropriation is authorized. It seems to me it should be suggested here, however, that if the investigation is followed by a favorable report and the construction of the project is entered upon, it ought not to be anticipated by anyone that the Government will enter into the construction of the project on the same basis that we are entering on the investigation. That is to say, we ought not to have to put up our money in cooperation in the construction of a ten-million-dollar project for the reason that if the private owners should fall in the financing of their end of the project we would be left holding the bag. It should be the anticipation that, if the project is finally constructed, its construction would be undertaken by the district organized, and the Government, if it participated at all, would do so by buying water rights when the project should be completed.

I offer that suggestion now so that it may not be taken that our cooperation in this form of an investigation will commit us to a similar form of cooperation in the construction.

Mr. MORROW. Mr. Speaker, in replying to the gentleman I will say that we have tried to conform in this bill to all of the requests that have been made, in strict conformity to the desires of the Interior Department that has charge of Indian affairs. There is no doubt that, after the survey is completed and the district should go further, the same safeguards will be placed by the Interior Department in the further consideration of legislation along that line. As far as I am personally concerned, it is my desire to cooperate in every way with the department and with those in charge of the improvements.

The SPEAKER pro tempore. The question is on the amendments.

The committee amendments were agreed to; the bill was read a third time and passed.

On motion of Mr. MORROW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 16209) was laid on the table.

#### APPOINTMENT OF STENOGRAPHERS IN UNITED STATES COURTS

The next business on the Consent Calendar was the bill (H. R. 5564) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, this bill is very far-reaching and I admit that the conditions which it seeks to remedy are necessary. But I would suggest that there be a new section, as follows:

Sec. 5. The official reporters herein provided for shall be appointed in accordance with the provisions of the civil service act of January 16, 1883.

Mr. GRAHAM. I will accept that.

Mr. BLACK of Texas. Reserving the right to object, will the gentleman inform us how many official stenographers will be appointed if this bill is passed?

Mr. GRAHAM. I can not inform the gentleman.

Mr. BLACK of Texas. Can the gentleman give us any information as to what it will cost?

Mr. GRAHAM. I can not give the gentleman that.

Mr. BLACK of Texas. In view of the insufficient information given by the report, Mr. Speaker, I will object.

NATIONAL MILITARY PARK ON BATTLE FIELD OF STONES RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Stones River, Tenn., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Stones River, Tenn., and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Stones River, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1926. Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the Battle of Stones River and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the Battle of Stones River.

SEC. 4. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

SEC. 5. That upon receipt of the report of said commission the Secretary of War be, and he is hereby, authorized and directed to acquire by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battle field, and the expenses of the commission, shall not exceed the sum of \$100,000.

SEC. 6. That upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this act, together with the area already inclosed within the national cemetery at the battle field of Stones River and the Government reservation in said battle field upon which is erected a large monument to the memory of the officers and soldiers of General Hazen's brigade who fell on the spot, are hereby declared to be a national park, to be known as the Stones River National Park.

SEC. 7. That the said Stones River National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Stones River National Cemetery shall likewise be the superintendent of and have the custody and care of the Stones River National Park, under the direction of the Secretary of War.

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the battle of Stones River to enter upon the lands and approaches of the Stones River National Park for the purpose of ascertaining and marking the lines of battle of troops engaged

therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than \$5 nor more than \$100.

SEC. 11. That the sum of \$100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this act.

Mr. DAVIS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 2, line 16, after the words "December 1," strike out the figures "1926" and insert in lieu thereof the figures "1927."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF MICHIGAN

The next business on the Consent Calendar was the bill (H. R. 9043) to provide for one additional district judge for the eastern district of Michigan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object—

Mr. CAREW. Mr. Speaker, I object.

ADDITIONAL JUDGE, DISTRICT OF MARYLAND

The next business on the Consent Calendar was the bill (S. 3418) to create an additional judge for the district of Maryland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CAREW. Mr. President, I object.

Mr. HILL of Maryland. Mr. Speaker, will the gentleman reserve his objection?

Mr. CAREW. Mr. Speaker, I do not think it is worth while; I object.

ADDITIONAL JUDGE, DISTRICT OF SOUTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 10595) to create an additional judge in the District of South Dakota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CAREW. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

PURCHASE OF FEED AND SEED GRAIN

The next business on the Consent Calendar was the bill (H. R. 15973) authorizing an appropriation of \$6,000,000 for the purchase of feed and seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under the rules and regulations prescribed by the Secretary of Agriculture.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, who is in charge of this bill?

Mr. WILLIAMSON. Mr. Speaker, I am not in charge of the bill, but I am very much interested in the bill.

Mr. LaGUARDIA. I suggest that on page 2, line 16, the bill be so amended as to provide for a first or second lien. The farmer in need who has the first lien on his farm would be precluded from obtaining the assistance that this bill seeks to provide, and I suggest saying first or second liens, so as to enable such a man to get the relief he needs.

Mr. WILLIAMSON. Personally I can see no objection to that amendment.

Mr. BLACK of Texas. Mr. Speaker, this bill involves an expenditure of \$8,000,000. I do not think it ought to come up under the Consent Calendar. I object.

ADDITIONAL DISTRICT JUDGE, NORTHERN DISTRICT OF CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 16206) to provide for one additional district judge for the northern district of California.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CAREW. Mr. Speaker, I object.

Mrs. KAHN. Mr. Speaker, will the gentleman reserve his objection?

Mr. CAREW. I shall reserve the objection, but I intend to object.

Mrs. KAHN. The conditions in northern California are different from what they are in many other States. The judgeship was filled by Judge Partridge, who held one of these temporary judgeships. He died. With his death, of course, the temporary judgeship expired. We simply want a continuance of the judgeship, which would have continued had Judge Partridge lived. It does not really create a new judgeship, but simply continues one that was authorized under the act passed when President Harding was in the White House in 1922.

Mr. BLANTON. Mr. Speaker, will the lady from California yield?

Mrs. KAHN. Yes.

Mr. BLANTON. I notice that in the report there is given the number of cases, both civil and criminal, that are docketed, but the report nowhere states that the two judges who are now functioning in California in the northern district are overworked.

Mrs. KAHN. Oh, certainly. The calendars are clogged, and I fear a greater clogging in the future.

Mr. BLANTON. It would appeal to me a great deal more if they would show exactly what work these judges are doing. The great trouble with most of them is that they take about three months vacation every year and do not work enough during the other nine months, and, of course, their dockets are congested.

Mrs. KAHN. I feel quite sure that because of the action of a former Governor of Texas they will have a whole lot more work to do than they have been doing. [Laughter.]

Mr. BLANTON. I quite agree with the lady, but we have learned in Texas that the office of governor is a man's job and not a woman's job.

The SPEAKER pro tempore. Is there objection?

Mr. CAREW. I object.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 10665) to provide for one additional district judge for the southern district of California.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CAREW. Mr. Speaker, reserving the right to object—

Mr. LINEBERGER. Mr. Speaker, this bill simply provides for making the present temporary judgeship in southern California permanent. The reason for it is very similar to the one advanced by my colleague [Mrs. KAHN] from northern California. The calendar in southern California to-day, despite the fact of the appointment of this temporary judge, who is one of three, is more congested to-day than it was at the time the appointment was made in 1922. In fact, the congestion has increased, as shown by the report, over 100 per cent, which is clearly indicative to Members of the House of the situation that would occur there if this judgeship, like the one in northern California, should by virtue of the incapacitation, resignation, or death of the judge become vacant; and while there have been objections to-day on the part of several Members of this House to these judgeship bills, which, of course, prevents their consideration, I had hoped that on account of the extremely peculiar and extenuating circumstances that exist both in southern and northern California that there might be an excep-



tion to those two bills. I simply rose to bring to the attention of the House the importance of some sort of legislation at the earliest possible moment on this matter, and to suggest to the distinguished chairman of the Committee on the Judiciary [Mr. GRAHAM] that an omnibus bill ought to be reported to include all of these meritorious judgments; and I hope the various Members of the House will contact their respective Senators in order that action may be had at both ends of the Capitol at the earliest possible moment, so that this situation be remedied without delay, as it is obvious from what has happened here to-day that no progress can be made with this legislation on the Unanimous Consent Calendar, where 1 Member out of 435, by his objection, can estop the consideration of such meritorious and necessary legislation.

Mr. GRAHAM. Mr. Speaker, I simply rise to say that the House passed an omnibus bill containing all these bills. The Senate reported it out, striking out all except five individual cases, which they had previously passed. I have been in conference two or three times with the chairman of the Judiciary Committee to try to get action on our bills, so that it would come back to us in conference and we might do something with it. That is the only hope for legislation in order to get these judges.

Mr. LINEBERGER. I am glad to hear the chairman has been active, and I hope the Members of the House will give their assistance in reference to this matter.

The SPEAKER pro tempore. Is there objection?

Mr. CAREW. Mr. Speaker, I object.

#### SALE OF LAND BY ONE MOSHULATUBBA

The next business on the Consent Calendar was House joint resolution (H. J. Res. 323) to approve a sale of land by one Moshulatubba on August 29, 1832.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate Joint Resolution 141 be substituted, it being an identical resolution.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to substitute a similar Senate resolution. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 141) to approve a sale of land by one Moshulatubba or Mushulatubbe on August 29, 1832

*Resolved, etc.,* That the sale of land comprising sections 3 and 10 of township 14, range 15 east, in the county of Noxubee, State of Mississippi, by Moshulatubba or Mushulatubbe to Anthony Winston by deed dated August 29, 1832, and recorded in deed book A at page 9, and the following, in the office of the chancery clerk of the county of Noxubee, State of Mississippi, be, and it is hereby, approved as of August 29, 1832.

Mr. RANKIN. Mr. Speaker, this is a very important matter to the people of Noxubee County, Miss. It not only involves the homes of a great many people in that county, but it also involves the title to the land on which is situated their county agricultural high school, an institution established and maintained at the expense of and for the benefit of the people of the whole county. They have come to Congress by their representative to ask for this relief, to which they are clearly entitled, from a constant threat of annoyance on the part of certain individuals who have been attempting to harass them into the payment of large sums of money which they do not owe.

In the treaty of Dancing Rabbit Creek, signed, I believe, on September 15, 1830, in which the Choctaw Indians ceded to the United States their territory east of the Mississippi for lands in what is now the State of Oklahoma, then known as the Indian Territory, there was reserved to three of the Choctaw chiefs, namely, Greenwood LeFlore, Nutackachie, and Moshulatubba, four sections of land each. It was provided in the treaty that these chiefs might sell this land "with the consent of the President." On August 29, 1832, Moshulatubba sold the land described in this bill to Col. Anthony Winston, through which chain of title the present occupants and owners of this land now hold.

Some time ago an alleged Indian agent by the name of Carter, pretending to represent the Bureau of Indian Affairs here in Washington, began making demands on the owners of these lands for large sums of money for quit-claim deeds from certain Indians, which he pretended to represent, on the ground that they were the heirs of Moshulatubba and owned interests in these lands because of the fact that the record did not show

that the deed from Moshulatubba to Colonel Winston had ever been approved by the President of the United States; although that deed, which recites a valuable consideration, was made and recorded more than 94 years ago and had remained uncontested, if not unquestioned, throughout the lives of three generations.

The Government could not issue a valid patent to this land, for the reason that the title was not in the Government at the time this deed was made, but was in Moshulatubba, with the right reserved to the President to grant or refuse approval of any sale of it that he (Moshulatubba) might make. The man who was President at the time has been dead for more than 80 years, and it is doubtful whether or not the approval of a subsequent President, especially at this late date, would be sufficient to give this transfer its proper validity. Therefore the only recourse left to these people was to come to Congress and ask for the passage of this measure, which will forever settle this question, and relieve them from the possibility of further annoyance of this kind in the future.

I introduced the resolution in the House, and Senator STEPHENS was kind enough to introduce it in the Senate. It passed that body several days ago, and I now ask that it be passed by the House in order that it may reach the President for his signature and become a law before this Congress finally adjourns.

The Senate joint resolution was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

A similar House joint resolution was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### WIDENING OF NICHOLS AVENUE

The next business on the Consent Calendar was the bill (H. R. 14833) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I think the bill is subject to a point of order in that it makes an appropriation in the second section. I shall not make the point of order, but shall offer an amendment during the consideration of the bill to strike out the appropriation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn all of those pieces or parcels of land taxed as lots Nos. 816, 821, and 834, and the following-described part of that parcel of land taxed as lot No. 833, in square No. 5601, beginning for the same at the southwest corner of said lot No. 833 in square 5601, said point of beginning being in the easterly line of Nichols Avenue, 60 feet wide, as now publicly owned, and running thence with said easterly line of Nichols Avenue, north 19 degrees 15 minutes 15 seconds, east 9.39 feet; thence leaving said easterly line of Nichols Avenue, and running with the northwesterly line of said lot No. 833, north 39 degrees 28 minutes, east 17.39 feet; thence with the northerly line of said lot No. 833, south 76 degrees 36 minutes 30 seconds, east 1.0 foot; thence leaving said northerly line of said lot No. 833, and running south 19 degrees 15 minutes 15 seconds, west 25.13 feet to the southerly line of lot No. 833; thence with said southerly line, north 76 degrees 36 minutes 30 seconds, west 7.04 feet to the point of beginning, as shown on the plat books of the surveyor's office of the District of Columbia, for the widening of Nichols Avenue between Good Hope Road and S Street SE.

If the entire amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land condemned for the widening of Nichols Avenue, between Good Hope Road and S Street SE., plus the costs and expenses of the proceeding hereunder, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia, but it shall be optional with the Commissioners of the District of Columbia to abide by the verdict of the jury or, at any time before the final ratification and confirmation of the verdict, to enter a voluntary dismissal of the cause.

SEC. 2. That the appropriation contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1927 (Public, No. 205, 69th Cong.), for the opening, extension, or widening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, is hereby made

available to pay the awards and expenses under this act, and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the District of Columbia.

Sec. 3. That the act approved January 15, 1925, entitled "An act to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.," be, and the same is hereby, repealed, and the Commissioners of the District of Columbia are authorized and directed to discontinue and abandon the proceeding heretofore instituted by them under this act, known as District court cause No. 1721.

The SPEAKER pro tempore. The Clerk calls attention to the fact that there is an identical Senate bill that has been passed by the Senate.

Mr. CRAMTON. Well, I am not in charge, but I will ask unanimous consent that the Senate bill be considered in lieu of the House bill, and if it is identical, I will ask that the reading of the Senate bill may be dispensed with.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the Senate bill S. 4727 be considered in lieu of the House bill and that the reading of the Senate bill may be dispensed with. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan is recognized.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 3, line 11, after the word "the," which occurs before the word "appropriation," strike out all the remainder of line 11 and all of lines 12, 13, 14, 15, 16, 17, 18, and 19.

Mr. CRAMTON. The only effect of that amendment is to eliminate the amount of the appropriation and leave the authority for the appropriation.

Mr. BLANTON. Mr. Speaker, I ask for recognition against the amendment.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. BLANTON. I hope the gentleman from Michigan will not push his amendment. This is a Senate bill, and it is all right as it is, and if we amend it it will have to go back to the Senate. While the appropriation would have been subject to a point of order if the gentleman from Michigan had made it, he did not make it; he waived making the point of order.

Mr. CRAMTON. Not necessarily, I will say to the gentleman. It is still in order to make it.

Mr. BLANTON. No; the gentleman waived it, and asked that the Senate bill be read in lieu of the House bill. The gentleman did that voluntarily and asked to amend this section, and that waives the making of the point to it.

I hope the House will not accept the amendment. This is an absolutely necessary provision in this bill. Without this section 2 the bill would be futile. Unless you provide that whatever money is necessary may be taken out of the appropriation for this year, already made for just such purposes, there is no use in passing this bill.

We shall adjourn on March 4 and will not be back here, thank goodness, until the first Monday of December, and if you do not pass this provision in the bill, its purposes can not be carried out at all. I hope the amendment will be voted down.

Mr. CRAMTON. There is nothing to prevent action upon this in the deficiency bill in the regular way. Hence my course in the matter. I showed my friendly attitude when I moved that the Senate bill be considered in lieu of the House bill. If any question is raised about it, Mr. Speaker, I make a point of order against the language covered by my amendment that it is an appropriation upon a bill that is not an appropriation bill, and therefore not in order, and under the decisions, it is never too late to make that point of order.

Mr. BLANTON. Mr. Speaker, I make the point of order that the gentleman's point of order comes too late, he having himself moved to substitute the Senate bill for the House bill and also had unanimous consent that the reading of the Senate bill be dispensed with; and he having moved to amend this section 2, and the bill having been debated, I make the point of order that his point of order comes too late.

The SPEAKER pro tempore. The Chair would rule that a point of order never comes too late.

Mr. CRAMTON. I make the point of order that the language is not in order on this bill.

Mr. BLANTON. And the Chair, I understand, rules that that is in order now, when I make a point of order against the gentleman's point of order?

The SPEAKER pro tempore. It is in order at any time under the rules. The gentleman from Michigan now makes it. His point of order is good against the offending language.

Mr. CRAMTON. That is all that I made the point of order in reference to. The offending language was covered by my motion to amend. I have not the bill in hand; otherwise I could read the language.

The SPEAKER pro tempore. The gentleman from Michigan makes his point of order against the word "appropriation" in line 11 and thence down to and including the word "as," in line 19. Has the gentleman the language in front of him? Is the Chair correct in stating the language against which the gentleman makes his point of order?

Mr. CRAMTON. I have sent my bill up. The whole section, of course, if any language in the section is out of order, would be out of order. The whole section would be out of order if I made the point of order against the whole section. Instead of doing that, I made the point of order against such language as would eliminate the appropriation.

Mr. BLANTON. That language is what?

Mr. CRAMTON. That language is the following, beginning with line 11 and running down to and including line 19, the language being as follows:

appropriation contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1927 (Public, No. 205, 69th Cong.), for the opening, extension, or widening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, is hereby made available to pay the awards and expenses under this act, and the amounts assessed as—

That leaves the balance of the language intelligible, providing—

that the benefits, when collected, shall be covered into the Treasury to the credit of the District of Columbia.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. BLANTON. Mr. Speaker, I offer an amendment. At the end of section 2, as amended, add the following language:

The SPEAKER pro tempore. As a new paragraph?

Mr. BLANTON. No; as a new sentence at the end of section 2 as amended.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: At the end of section 2 insert: "That the money necessary to carry out this act that is in the Treasury not otherwise appropriated is hereby authorized to be appropriated."

Mr. BLANTON. That is merely an authorization for the money.

Mr. CRAMTON. That is entirely unnecessary. The bill as it stands contains ample authority for the appropriation. The language is entirely unnecessary.

Mr. BLANTON. I think that authorization ought to be in the bill in order to authorize the money to be placed in the deficiency bill.

Mr. CRAMTON. If the gentleman will read section 1, he will find there is ample authority for the appropriation.

Mr. BLANTON. I think not; I think it is necessary, and I think the bill would be futile without it. I hope that my amendment will be accepted.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

#### EDWARD HINES JUNIOR HOSPITAL

The next business on the Consent Calendar was the bill (H. R. 3767) to authorize the Secretary of the Treasury to amend, in his discretion, contracts for the erection of the Edward Hines Junior Hospital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

#### STATUE OF HENRY CLAY

The next business on the Consent Calendar was the bill (H. R. 11278) to authorize the erection of a statue of Henry Clay.



The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to suggest a simple amendment providing that this statue shall be the work of an American artist. If we are going to present this statue to Venezuela, surely we want to present something which represents American talent. I recall that when we received the statue of Bolivar at New York City that point was stressed—that it was the work of an artist in the country which presented it. At this time we have able artists and sculptors in this country, artists and sculptors of world standing, and there is no reason why we should not provide—especially when we are giving a gift to another country—that it should be the work of an American artist.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Does not the gentleman feel this should be done by an Italian artist?

Mr. LAGUARDIA. I want an American artist.

Mr. BLANTON. I agree with the gentleman.

Mr. BURTON. Mr. Speaker, I do not think there is any objection to the principle involved, but I do not believe it is necessary. There has been negotiation with the Fine Arts Commission and others, and unquestionably the artist would be an American. The only vestige of objection I would have is that it would sound somewhat provincial to put such a provision as that in an international matter. However, if the gentleman will suggest such an amendment, I shall not object.

Mr. CELLER. May I ask the gentleman from Ohio whether or not a similar provision was attached to the bill in the South American Republic that presented the United States with the statue of Simon Bolivar?

Mr. BURTON. I understand there was; I am not absolutely certain about it, but I am informed that was the case.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of State is authorized and directed to procure, to present to the Republic of Venezuela, and to erect in the city of Caracas, Venezuela, a bronze statue of Henry Clay. Such statue shall be prepared and erected only after the plans and specifications therefor have been submitted to, and approved by, the Commission of Fine Arts.

Mr. LAGUARDIA. Mr. Speaker, I move to amend by striking out the period at the end of line 8 and adding the following: and shall be the work of an American artist.

The SPEAKER pro tempore. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, at the end of line 8, strike out the period, insert a comma, and add the following language: "and shall be the work of an American artist."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. There is authorized to be appropriated the sum of \$41,000, or so much thereof as may be necessary, to carry out the provisions of this act, including the cost of such statue, of transportation, of grading the site, and of building the pedestal, expenditures for architectural services, and traveling expenses of the persons employed in erecting such statue, and of the persons delegated by the Secretary of State to present, on behalf of the United States, such statue to the Republic of Venezuela.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### STATUE OF HENRY CLAY IN VENEZUELA

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, this measure (H. R. 11278) authorizes the appropriation of \$41,000, or so much thereof as may be necessary, to enable the Secretary of State to procure, to present to the Republic of Venezuela, and to erect in the city of Caracas, the capital of Venezuela, a bronze statue of Henry Clay. The bill is as follows:

An act to authorize the erection of a statue of Henry Clay

*Be it enacted, etc.,* That the Secretary of State is authorized and directed to procure, to present to the Republic of Venezuela, and to

erect in the city of Caracas, Venezuela, a bronze statue of Henry Clay. Such statue shall be prepared and erected only after the plans and specifications therefor have been submitted to, and approved by the Commission of Fine Arts, and shall be the work of an American artist.

SEC. 2: There is hereby authorized to be appropriated the sum of \$41,000, or so much thereof as may be necessary, to carry out the provisions of this act, including the cost of such statue, of transportation, of grading the site, and of building the pedestal, expenditures for architectural services, and traveling expenses of the persons employed in erecting such statue, and of the persons delegated by the Secretary of State to present, on behalf of the United States, such statue to the Republic of Venezuela.

Mr. Speaker, Henry Clay was the great American advocate of Latin-American independence a century and more ago. Largely through his powerful appeals and efforts the people of the United States were led to understand and appreciate the struggles for freedom being made at that time by the Latin-American people, under the leadership of Simon Bolivar and Jose San Martin. Also, largely because of Clay's impassioned eloquence in their behalf, those people were cheered and inspired to fight for their liberties until the Spanish yoke was forever thrown off. Some of the greatest utterances in Clay's long and brilliant career were those contained in his speeches in the House of Representatives in 1818 and 1820, when he pleaded for the cause of Latin-American freedom, and for the recognition of the Latin-American colonies, by the United States Government. As Secretary of State, from 1825 to 1829 he was able to render most effective service in behalf of the independence of those colonies.

During this same period his work in connection with the Panama Congress was notable. He negotiated treaties with several of the new Republics set up in Central and South America. He was the contemporary and friend of Bolivar, known as El Libertador (the Liberator) throughout Latin-America.

It was inevitable, therefore, that Henry Clay, the great champion of their freedom, should become and remain one of the great heroic ideals of Latin-Americans. It was a fitting and graceful, though altogether natural thing, for the Venezuelan Government, in 1921, to present to the American people a statue of the great Bolivar, himself a native of Venezuela, born in Caracas. Identical with the unveiling of that statue in New York City, the Government of Venezuela christened the most important square in Caracas, Plaza Henry Clay. The statue proposed in the pending legislation, it is expected, will be erected in that plaza, and the placing of it there will constitute a graceful act of reciprocity on our part for what the Republic of Venezuela has done.

It was my very great pleasure to have been a resident of the Isthmus of Panama, in the Canal Zone, during the years 1910, 1911, 1912, and 1913, where I had the honor to serve as a member of the Isthmian Canal Commission during the construction period of the Panama Canal. I was thus brought into most intimate and pleasant contact, both personal and official, with Latin-American people, particularly with those of the Republic of Panama. I know how responsive these people are to every thoughtful and friendly gesture of our people and our Government for themselves. I hold for them every sentiment of affection and esteem. Their generous, sympathetic spirits will be quick to sense the kind meaning of the erection of the proposed statue in the land of Bolivar. I know how thoroughly the Latin-American people love and revere the name and memory of Henry Clay.

In this connection I would also refer to the testimony adduced at the hearing on this bill before the House Committee on Foreign Affairs, especially to the statements of my distinguished fellow Kentuckian, Hon. William Jennings Price, who for more than eight years served as the American minister to the Republic of Panama. He is eminently qualified to speak on the subject. He gives emphasis to the considerations I have urged. He believes that the presentation to Venezuela of the indicated statue will prove of inestimable value in the promotion of more cordial relations between our own country and our sister Republics to the southward.

In any discussion of this subject it should also be noted that in 1923, at Santiago, Chile, the International Conference of American States, with representatives present from all, or practically all the Latin-American countries, unanimously voted for the erection by these countries in Washington of a statue of Henry Clay. This is but another of the many evidences of the love and reverence which the Latin-American people hold for the memory of the great Commoner.

Mr. Speaker, the people of the Spanish-American colonies lighted their fires of liberty from our own great torch of freedom, and the consuming zeal and eloquence of the great Clay for Latin-American independence inevitably caused those people

to accept our Republic as the example and pattern for their own governments. There is no better or higher diplomacy than that embodied in a graceful or generous act of good will, such as that which is now under contemplation. In the years to come, as our own United States of America becomes more and more populous, our people may have to look to other lands for outlet. To what quarter of the globe may they look with the same confidence as they may look to Latin America. There they will find governments modeled on that Washington, Clay, and Lincoln helped to mold. There they will find a people imbued with the same ideas of liberty that have imbued ourselves. There they will find the unsurpassed natural resources which so greatly distinguish those vast regions. When such a time may come let us look to it that our contacts with these high-spirited, generous people shall have been so maintained as to insure the heartiest welcome of all those who go from our own land to these great countries to the south of us; and let us hope, also, that if and when that day shall arrive our people, in large numbers, shall go to these favored lands, they shall go for the purpose—not of selfish exploitation—but for the nobler one of becoming home builders, part and parcel of the woof and fabric of those countries, and, as worthy citizens, contributing everything within their power to the progress and advancement of these sister republics which are marching in the same direction we are marching and whose welfare, in a thousand ways, is our own welfare.

Hence there is involved in the present measure everything of good will not only to Venezuela but to all of Latin America as well. At this time, when in certain parts of the Latin American world delicate situations have arisen, situations which have engaged our most serious consideration, I believe that we should welcome every opportunity for giving to the Latin American people the evidences of our friendship and regard for them. The ties that may bind us together can not be too many nor too strong. Let us seize on every opportunity to multiply and strengthen them. Such an opportunity is presented in the matter before us.

Mr. Speaker, permit me to add that it is very important that this bill shall become a law without delay so that the appropriation authorized by its provisions may be provided for at the present session, soon to close. The 12th day of April, 1927, will mark the one hundred and fiftieth anniversary of the birth of Henry Clay. On that sesquicentennial day it would be most fitting to break, in Caracas, the ground for the site of the proposed statue and to have there performed the initial ceremonies of this worthy enterprise. Thereupon, the work of arranging for the execution and presentation of the statue could be carried forward by the Secretary of State in due season and in fitting and adequate manner.

#### ADDITIONAL JUDGE FOR CONNECTICUT

The next business on the Consent Calendar was the bill (S. 227) to provide for the appointment of an additional judge for the district of Connecticut.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOWARD. Mr. Speaker, I object.

#### COLVILLE NATIONAL FOREST, WASH.

The next business on the Consent Calendar was the bill (H. R. 15826) to add certain lands to the Colville National Forest, Wash.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Colville National Forest, Wash., to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. p. 465), as amended, are hereby extended and made applicable to all other lands within said described areas: East half section 9, north half section 15, south half section 17, sections 20, 29, and 30, township 36 north, range 34 east, Willamette meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### RESURVEY OF CERTAIN LANDS

The next business on the Consent Calendar was the bill (S. 1914) directing the resurvey of certain lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, from the report of the Interior Department, which is in effect an adverse report, it appears that the only purpose of this bill is to provide a resurvey at Government expense, whereas it should in part be at the expense of the owners of the land. If that practice is not correct, we ought to have general legislation, and in the absence of such legislation I would object to a special bill of this kind.

Mr. HILL of Washington. Will the gentleman reserve his objection a moment?

Mr. CRAMTON. Yes.

Mr. HILL of Washington. Mr. Speaker, the records in the General Land Office show that this land was surveyed. The fact appears, dehors the record, I may say, that only the external lines of these four townships were run and corners established on the outside lines. This is a heavily timbered section of country. There is not a line or a mark indicating a survey within the four townships, and the evidence is that this survey was made by a contractor under contract with the Government back in 1883, and as a matter of fact, the survey was not completed. This bill simply directs that the Government complete the survey which the record shows to have been made, but which, in fact, was not made.

Mr. CRAMTON. Does not the act of 1918 contemplate such situations generally?

Mr. HILL of Washington. It contemplates that the lands in private ownership share with the Government in the expense of the survey.

Mr. CRAMTON. In such cases as this?

Mr. HILL of Washington. Where there has been a survey and the lines have been obliterated or the markings of the corners obliterated; but that is not the case here. This is a case of original survey so far as the establishment of the internal lines and the establishment of the subdivisional corners are concerned.

Mr. CRAMTON. The object of the act of 1918 was to cover situations where the original survey was not effective for some reason or other—obliteration of the corners or for other reasons. In this case the gentleman thinks there never was a thorough survey. The gentleman knows that was very often the case under the old contract system. The act of 1918 was intended to reach that situation. I might, on further investigation of the matter, feel differently. To-day I would be obliged to object to the bill for fear we were establishing an undesirable precedent.

Mr. HILL of Washington. I have a letter written recently by the General Land Office, and if the gentleman would permit I would like to read a few excerpts from it.

Mr. CRAMTON. Suppose we pass the bill over for the present. It is a Senate bill, and it will not take long to pass it.

Mr. HILL of Washington. Very well.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS AT DAYTON, OHIO

The next business on the Consent Calendar was the bill (H. R. 13499) authorizing the erection of a sanitary, fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HILL of Maryland. Mr. Speaker, reserving the right to object—

Mr. ROY G. FITZGERALD. Will the gentleman from Maryland withhold his objection for a moment?

Mr. HILL of Maryland. I withhold it.

Mr. ROY G. FITZGERALD. I am anticipating that the gentleman will ask unanimous consent that this bill be referred to the Committee on Military Affairs on the ground that that committee is the one which should have had jurisdiction of this bill.

This bill was referred to the Committee on Public Buildings and Grounds in accordance with the practice of the House as evidenced by the reference of the bill for the general hospital at the Pacific Branch of the National Military Home at Sawtelle, Calif. See Report No. 507 on H. R. 2821, first session, Sixty-eighth Congress, April 14, 1924. I have no objection to the bill being referred to the Military Affairs Committee, if it properly belongs there, and I hope there will be no objection to it; but I



wish to say there has been a strange neglect by this House of its responsibility in regard to the soldiers' home.

The building which it is desired to replace was built in 1868. Over 700 major operations have been performed in this hospital. The hospital is crowded, it is antiquated, it is unsanitary, it is a firetrap, and it has been condemned by a committee of this House as a menace to the lives of helpless men. It has also been condemned by the fire authorities of my home city and has been condemned by the State authorities as a fire menace.

I am asking that there be no objection to a rereference of this bill, because I am assured by my good friend and colleague from Maryland that the Military Affairs Committee, in spite of its great amount of work, will act upon this matter in two or three days. I call the attention of the House, however, to the fact that this committee has an enormous amount of work. Although the terms of four members of the board of managers of the National Homes for Disabled Volunteer Soldiers expired almost two years ago, no action has been taken on resolutions to elect successors which were pending in the Sixty-eighth Congress and pending in the last session of this Congress and which have been pending during all of this session of the Congress before the House Military Affairs Committee. Something must be done to remedy this neglect.

Mr. HILL of Maryland. Mr. Speaker, the Military Affairs Committee has just completed a special study of the whole situation in reference to the National Homes for Disabled Volunteer Soldiers and has gone into all these matters. I ask unanimous consent that this bill (H. R. 13499) be rereferred to the Committee on Military Affairs.

Mr. LAGUARDIA. Reserving the right to object, I want to point out to the gentleman from Ohio that after he has made the earnest plea that he has made as to the necessity of this matter he gives way to a matter of personal pride instead of insisting that the bill now before the House, properly sent to the Committee on Public Buildings and Grounds, shall be considered. Why, Mr. Speaker, in the face of what the gentleman from Ohio has said, why should this bill be referred to the Committee on Military Affairs? If the gentleman from Maryland wants to assume the responsibility of objecting to it, he may. I shall object to having the bill rereferred to that committee.

Mr. ROY G. FITZGERALD. Mr. Speaker, I realize that my colleagues have grounds for their opinions; but this is a time when in order to facilitate matters and get through the work of Congress we must make allowance for each other's opinions. I do ask my good friend from New York not to object to the rereference, because the assurance of the Military Affairs Committee, represented by my friend from Maryland, is that within three days action will be taken and that there will be still time for the House to act upon this bill.

Mr. LAGUARDIA. In the name of common sense, when you have the bill now before you ready for action, why should you delay?

Mr. HILL of Maryland. I want to say that the Military Affairs Committee knows certain things about the whole situation, and it has had no opportunity to pass on this bill.

Mr. LAGUARDIA. If the Military Affairs Committee will attend to Muscle Shoals it will have enough to do. I object.

Mr. HILL of Maryland. I object to the consideration of the bill.

#### PURCHASE OF LAND IN JICARILLA INDIAN RESERVATION, N. MEX.

The next business on the Consent Calendar was the bill (S. 4942) to authorize an appropriation for the purchase of certain privately owned land within the Jicarilla Indian Reservation, N. Mex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized an appropriation of \$10,000 from the tribal funds on deposit in the Treasury of the United States to the credit of the Indians of the Jicarilla Reservation, N. Mex., for the purchase of the land and appurtenances thereto situated within the exterior boundaries of that reservation and belonging to Neill B. Field, title thereto to be taken by the United States in trust for said Indians.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### INVESTIGATION OF CLAIMS OF SIOUX TRIBE OF INDIANS AGAINST TRIBAL FUNDS OR UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 13503) authorizing and directing the Secretary of the

Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate, hear, and determine the claims of the individual Indians whose names are enrolled on the approved rolls of the following Indian agencies: Rosebud, Pine Ridge, Lower Brule, Crow Creek, Cheyenne River, Yankton, Sisseton, and Flandreau, in the State of South Dakota; Fort Peck, in the State of Montana; Fort Totten, in the State of North Dakota; Standing Rock, in the States of North and South Dakota; and Santee, in the State of Nebraska: *Provided,* That the Secretary of the Interior is authorized to make all rules and regulations necessary to carry out the provisions of this act.

SEC. 2. The claims which the Secretary of the Interior is hereby authorized to investigate and determine shall be limited to the following classifications:

Class A. Claims for allotment of land where the claimant was living during the allotment period and made a selection of land but who died before said selection was recorded, and claims for allotment of land where the claimant was living during the allotment period but who was allotted or has been held to be entitled to materially less land than the area to which he was entitled under the acts of Congress controlling the reservation where the claimant resided, or who was entitled to an allotment but who was not allotted for the reason that sufficient land was not available for allotment. The findings for this class, as the Secretary may decide, shall run against the United States or against the tribal or band fund now or hereafter in the possession of the United States, as trustee, and held for the benefit of the Indians of the reservation on which the claimant is enrolled: *Provided further,* That such findings shall be for the value of the allotment or material deficiency in allotment, which value shall not be in excess of \$5 per acre.

Class B. Claims for livestock or other personal property or improvements wrongfully taken from the claimant or destroyed by or lost through the acts of the military or civilian forces of the United States during the years 1862 to 1891, inclusive: *Provided,* That any payment which has been made on any claim within this class by the United States shall be regarded as a payment on account and shall not be held in bar of a recovery by the claimant of any balance due: *And provided further,* That the findings of the value of the livestock taken or destroyed shall not be in excess of \$40 per head, and the findings for any one claimant for other personal property or improvements shall not be in excess of \$200.

Class C. Claims for services rendered to the United States as scouts or guides or as volunteers in rescuing white captives from hostile Indians for which no payment has been made: *Provided,* That the findings for any one claimant shall not be in excess of \$500.

SEC. 3. In all cases under this act where the claimant is deceased the claim may be asserted by one or more of the legal heirs of said decedent.

The Secretary shall in each case transmit his findings to the Congress, and the said findings shall have the same force and effect as a judgment of the United States Court of Claims.

The following committee amendments were read:

Strike out all of sections 2 and 3, and in line 4, page 2, change the period to a semicolon and add the following language:

"*Provided further,* That the claims which shall be investigated under this act shall be individual claims for allotments of land, and for loss of personal property or improvements where the claimants or those through whom the claims originated were not members of any band of Indians engaged in hostilities against the United States at the time the losses occurred. If any such claims shall be considered meritorious, the Secretary of the Interior shall adjust same where there is existing law to authorize their adjustment, and such other meritorious claims he shall report to Congress with appropriate recommendation."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### REFERRING CLAIMS OF DELAWARE INDIANS TO COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 15602) to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the last paragraph of the act approved February 7, 1925, entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States" (43 Stat. L. pp. 812, 813), be, and the same hereby is, amended to read as follows:

"Upon the final determination of any suit the Court of Claims shall decree such fees as may be deemed fair and reasonable for services and expenses rendered and incurred therein, to be paid to the attorney or attorneys, such fees for services not to exceed 10 per cent on the amount of the judgment recovered and in no event to be more than \$25,000 in any one claim, and the Court of Claims shall also decree to the estate of Richard C. Adams, deceased member of the Delaware Tribe, and its representative and attorney for many years and up to his death in October, 1921, a reasonable amount for the services and expenses of said Richard C. Adams, rendered and incurred during his lifetime for and on behalf of said Delaware Tribe in connection with its claims against the United States, to the extent of but in no event to exceed 2½ per cent on any sums recovered; and all of such sums so to be paid for services and expenses shall be paid out of any sum or sums found due said Delaware Tribe and not otherwise. Such suit, suits, or causes shall be advanced on the docket of the Court of Claims and by the Supreme Court of the United States if an appeal shall be taken."

With the following committee amendment:

Page 2, line 6, after the word "the," strike out the word "judgment" and insert the word "judgments."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### INDIAN-SCHOOL FARM, PHOENIX, ARIZ.

The next business on the Consent Calendar was the bill (H. R. 15906) to authorize the purchase of land for an addition to the United States Indian school farm near Phoenix, Ariz.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to purchase from Anette J. Pearson, for an addition to the United States Indian school farm near Phoenix, Ariz., with the funds appropriated by the act of March 3, 1925 (43 Stat. L., p. 1156), that portion of the southwest quarter of the northeast quarter of section 20, township 2 north, range 3 east, Gila and Salt River Base meridian, south of the Grand Canal, in Maricopa County, Ariz., containing 18 acres, more or less, subject to the special assessments levied thereon by the Salt River Valley Water Users' Association, to secure the payment of certain bonds; and notwithstanding section 355 of the Revised Statutes, the Secretary of the Interior is hereby authorized, in his discretion, to accept, as conveying good title to the United States, the deed executed by the said Anette J. Pearson on August 28, 1925.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, beginning in line 6, after the word "Arizona," strike out "with the funds appropriated by the act of March 3, 1925 (43 Stat. L. p. 1156)."

Mr. CRAMTON. Mr. Speaker, as it stands it is an appropriation. With that language out it will require a new appropriation. As a practical matter I think there should be some consideration given to the price of that land when taken subject to this lien, and that would come through the action I suggest.

Mr. HAYDEN. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HAYDEN. That has been taken into consideration already, and the price has been agreed upon. The price and the form of deed are entirely satisfactory to the Indian Service. It was merely this technical objection on the part of the Attorney General's office that we are trying to overcome.

Mr. CRAMTON. I think the other is the better practice, however, and it will not necessarily delay the matter.

Mr. HAYDEN. The only thing I am fearful about is the delay. Will that require us to wait another year for an appropriation?

Mr. CRAMTON. Oh, no. The pending deficiency appropriation bill can take care of it.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### LOANS ON ADJUSTED SERVICE CERTIFICATES

Mr. GREEN of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16886) to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted service certificates, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 502 of the World War adjusted compensation act is amended by adding at the end thereof the following new subdivisions:

"(i) The Director of the United States Veterans' Bureau is authorized, through such officers and at such regional offices, suboffices, and hospitals of the United States Veterans' Bureau as he may designate, and out of the United States Government life-insurance fund established by section 17 of the World War veterans' act, 1924, as amended, to make loans to veterans upon their adjusted service certificates in the same amounts and upon the same terms and conditions as are applicable in the case of loans made under this section by a bank, and the provisions of this section shall be applicable to such loans; except that the rate of interest shall be 2 per cent per annum more than the rate charged at the date of the loan for the discount of 90-day commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which is located the regional office, suboffice, or hospital of the United States Veterans' Bureau at which the loan is made.

"(j) For the purpose of enabling the director to make such loans out of the United States Government life-insurance fund, the Secretary of the Treasury is authorized to loan not exceeding \$25,000,000 to such fund with interest at the rate of 4 per cent per annum, compounded annually, on the security of bonds held in such fund.

"(k) The disbursing officers of the United States Veterans' Bureau shall be allowed credit in their accounts for all loans made in accordance with regulations and instructions of the director."

The SPEAKER. Is a second demanded?

Mr. GARNER of Texas. Mr. Speaker, I demand a second.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that a second be considered as ordered. I understand the gentleman is not opposed to the bill, but very properly asks a second in order that he may control his share of the time. As far as I know, no Member of the House is opposed to the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Iowa is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. GREEN of Iowa. Mr. Speaker, the provisions of this bill are very simple and I shall take but a few minutes in explaining it. The original adjusted service compensation bill provided for the issuance of paid-up endowment certificates of insurance to the veterans, and also that after the expiration of two years loans could be made upon these certificates in the manner stated upon the certificates themselves as they were issued. Two years have expired and a large number of the holders of these certificates have applied for loans. The original adjusted compensation act provided that these loans should be made only by banks incorporated either under the Federal law or the law of some States; provided also that the rate of interest should not exceed 6 per cent, and that severe penalties should attach for charging any greater rates, and otherwise protected the veterans. It has been found that in some instances the banks were reluctant to make these loans, and, while I think that the difficulty of obtaining loans by the veterans has been greatly exaggerated, still it is a fact, and was shown by the testimony before the committee, that in some instances the banks had declined to make these loans. There was considerable difficulty at first, because the banks were not familiar with the requirements of the bureau and also because some of them did not understand that these loans were, in effect, guaranteed by the Government. Be that as it may, there still exists some few communities in which banks are declining to make loans, and the Committee on Ways and Means considered that all veterans should be placed on an equality and a method provided whereby all could obtain these loans. We have therefore made provision in this bill so that loans may be obtained from the Director of the Veterans' Bureau in the same manner and upon the same terms as from the banks, and have further provided that the Director of the Veterans' Bureau is authorized through such officers and at such regional offices, suboffices, and hospitals in the United States Veterans' Bureau as he may designate to make these loans. This is done for



the convenience of the veterans and to enable them to easily reach these offices.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. LINTHICUM. I agree with the gentleman on the bill and intend to vote for it, but I do not understand why we should charge these veterans 2 per cent more for loans than you can discount commercial paper for in the Federal reserve bank. It seems to me that we ought to lend them the money at not over 4 per cent.

Mr. GREEN of Iowa. How could the gentleman expect the banks to make loans in any such manner as that? This is a lower rate as it is than can be obtained on good commercial paper.

Mr. LINTHICUM. The Government is making these loans, and why should the Government charge these boys 6 per cent?

Mr. GREEN of Iowa. The Government ought to have something to pay, for the expense and the terms granted by this bill are exactly the same as those made to veterans who have already obtained thousands of these loans. The terms on these loans ought not to be better than for those made by the banks.

Mr. KINDRED. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. KINDRED. In view of the fact that the securities, or nearly all, issued by the United States Government bear less than 6 per cent, is not the suggestion of the gentleman from Maryland all the more to the point that the veterans should not be required to pay 6 per cent?

Mr. GREEN of Iowa. No; I think the gentleman is in error, because the expense on these loans will be more than 2 per cent, because they are for small amounts which will require a great deal of work to take care of them. I might say it was not the belief of the majority of the committee that the veterans ought not to be encouraged to make these loans. We think it is far better not to encourage them to make loans but to carry their certificates to the end of the 20 years.

Mr. KINDRED. It is a fact, is it not, that no loans have been made under existing law to veterans that carried more than 6 per cent—

Mr. GREEN of Iowa. That is all this bill carries.

Mr. KINDRED. Is the gentleman in a position to say whether any loans have been made to veterans under their certificates that paid less than 6 per cent?

Mr. GREEN of Iowa. No; because under the original law they have the privilege of obtaining them at 2 per cent more than the discount rate of the Federal reserve bank.

Mr. KINDRED. Does the gentleman think that is a fair rate of interest?

Mr. GREEN of Iowa. As I said before, I think that is fair on account of the cost of furnishing these loans.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. BANKHEAD. I understand from a brief reading of the bill the legislation in nowise changes existing law in reference to loans from banks. That still applies?

Mr. GREEN of Iowa. That still applies.

Mr. BANKHEAD. And possibly it might be necessary to retain that same provision as to interest?

Mr. GREEN of Iowa. That is one thing that was also considered and deemed necessary.

Mr. RANKIN. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. RANKIN. This bill provides that those loans be made at 6 per cent interest, does it not?

Mr. GREEN of Iowa. Yes.

Mr. RANKIN. I wonder why the committee did not reduce it to 4½ per cent or 5 per cent, in order that these boys might get this money at something like what it cost the Government?

Mr. GREEN of Iowa. I tried to explain that.

Mr. RANKIN. I was not in the Chamber, I am sorry to say. It seems to me that if we are going to loan money to various European countries at 3½ per cent, we ought not to charge these boys 6 per cent when we could loan it to them at 4 or 5 per cent without loss to the Government.

Mr. GREEN of Iowa. It will require more than 2 per cent in expense to take care of these small loans, and we wish to make these loans made by the director on the same basis as they have been made by banks.

Mr. LINTHICUM. If the veteran does not repay this money, does not pay interest, what becomes of the loan? Does he lose his certificate?

Mr. GREEN of Iowa. No; he can pay it with interest at any time before death. If he dies with the loan unpaid, the amount of the loan, with interest, is charged up against the certificate. I will reserve the remainder of my time.

Mr. GARNER of Texas. Mr. Speaker, so far as I am advised, there is absolutely no opposition on the Democratic side. If no one desires to be heard in the interest of the passage of the bill, I shall ask for a vote. [Cries of "Vote!"]

Mr. RANKIN. Mr. Speaker, we on this side of the House are in favor of the bill, but we would have much preferred that it had been brought in in such a way as would give an opportunity to amend the rate of interest so as to enable these boys to secure these loans at the lowest rate of interest possible.

Mr. GARNER of Texas. I will say to my friend from Mississippi, Mr. Speaker, that I do not control the organization of the House and their method of legislation, so I am compelled to take it as it is.

Mr. RANKIN. I appreciate that fact.

Mr. GARNER of Texas. I yield two minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for two minutes.

Mr. BLANTON. Mr. Speaker, there were several bills pending before the Committee on Ways and Means authorizing and directing these loans to be made to the ex-service men by the Veterans' Bureau, some providing interest as low as 2 per cent. After holding hearings on all such bills, on February 2 the Committee on Ways and Means instructed its chairman, the gentleman from Iowa [Mr. GREEN], to introduce this bill, which embraced the provisions the committee agreed upon. The gentleman from Iowa introduced it on the 2d of February and the committee favorably reported it on February 4 for passage. It is to make loans at 6 per cent. I introduced a similar bill that authorized loans to be made at 4 per cent, which was considered by said committee in its hearings, and I then urged the committee to fix the interest at not more than 4 per cent.

I do not believe this Congress ought to charge these World War veterans more than 4 per cent interest, especially as we are loaning money by the billions to foreign governments, to some of them at rates of not more than 1 per cent.

We can not amend this bill, but must pass it just as it is written under suspension of rules. It could have been called up here by unanimous consent and amended. And it would be amended here so that the interest would be reduced to 4 per cent, if the rules permitted amendments.

I am going to vote for the bill, but I think we should have reduced the interest to 4 per cent. This Government can borrow all the money it wants at 3¼ per cent. I think it is a shame to charge the men who defended our flag in the trenches of France more than 4 per cent. [Applause.]

Mr. GREEN of Iowa. I will say to the gentleman that these loans are so small that the difference in the rate of interest would represent only the price of a good cigar.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

#### AGRICULTURAL RELIEF

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of transportation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GARBER. Mr. Speaker, the program for farm relief along practical lines suggests:

First. The enactment of such necessary legislation as will secure at the earliest moment an entire overhauling of the rate structure and a revision and readjustment of freight rates which are a recognized burden upon agriculture, both to the producer and the consumer.

Second. The tariff on competitive farm products should be raised so as to give the American farmer the full benefit of the home market. In 1925, competitive agricultural products in the amount of \$780,000,000, after paying tariff duties to the amount of \$260,000,000, were admitted in competition with the products of our home farmers. Why should the American farmer, with his high standards of living, be compelled to meet the competition of foreign farmers with their low standards of living, cheap lands, and cheap labor?

Third. Under present conditions the unorganized six and a half million farmers, selling in competition with each other, can not exact their share of the products of their labor in competition with organized industry and labor. They must be given the power of organization through a Federal agency to stabilize the price of farm products, so as to level the peaks and valleys of high and low prices and maintain a reasonable price throughout the year.

In the brief time allotted me I shall only address myself to the first proposition which involves an overhauling of the entire rate structure and a revision and readjustment of freight rates, so as to as nearly as possible equitably distribute the burden of transportation to every section of the country and to every industry. This has never been done. The structure has been waterlogged with the principle of "all the traffic will bear," with preferentials, discriminations, and rates that are unreasonable between points and commodities, of rates fixed by shippers and carriers, automatic accumulations without hearing or investigation.

These conditions were intensified by the horizontal increases during the war. On February 28, 1918, the Director General of the Railroads issued an order increasing rates 25 per cent. On August 26, 1920, in Ex parte No. 74, the commission made increases of 40 per cent in eastern territory, 25 per cent in southern, 35 per cent in western, 25 per cent in Pacific, and 33½ per cent in interterritorial rates. These flat horizontal increases resulted in dislocation, maladjustment, at times confiscation of products, inequities, injustices, and discriminations.

In 1921 the Joint Commission of Agricultural Inquiry of the House and Senate, in the most exhaustive investigation yet made of the subject, filed its report, in which it said:

The transportation rates on many commodities, more especially the products of agriculture, bear a disproportionate relation to the prices of such commodities; there should be immediate reductions in transportation rates applied to farm products and other basic commodities; greater consideration should be given in the future by public rate-making authorities and by the railroads in making of transportation rates to the relative value of commodities and existing and prospective economic conditions. The pyramided per cent advances in rates which have been authorized by the Interstate Commerce Commission or made by the United States Railroad Administration caused the dislocation of long-standing relationships between rates upon agricultural and industrial products, between competitive enterprises, and competitive sections of the country.

In its report on November 14, 1923, the United States Chamber of Commerce, after a thorough investigation, said:

It can not be claimed that the railroad freight-rate structure of the United States has ever been organized on a scientific basis or that it has ever been systematically revised with the purpose of eliminating disparities. The great economic changes incident to and resulting from the war have created additional disparities resulting from horizontal rate changes, from the dislocation of relative price levels, and from increases in labor costs and terminal expenses, which have borne with greater weight on some classes of traffic than others. This situation renders a readjustment of relative freight rates of great immediate importance.

In his testimony before the House Interstate and Foreign Commerce Committee in support of House Joint Resolution 141, Herbert Hoover, Secretary of Commerce, said:

As you are well aware, the rate structure is the growth of competitive conditions in more or less mitigation of the rates established originally on the basis of what the traffic would bear. The theory of what the traffic will bear has some value as an economic theory, because it was somewhat adjusted to the value of commodities and other things that naturally surrounded rate making; nevertheless, the rate structure is a hodgepodge and it has been subject to a great deal of general criticism from time to time.

Both Presidents Harding and Coolidge, in repeated messages to Congress, have insisted upon an overhauling of the entire rate structure and a revision and readjustment of rates, so as to relieve agriculture of its unjust burdens.

In his message of December 6, 1923, President Coolidge said:

Competent authorities agree that an entire reorganization of the rate structure for freight is necessary. This should be ordered at once by Congress.

In his message of December 3, 1924, speaking of the consolidation of the railroads, he said:

It opens up large possibilities of better equalization of rates between different classes of traffic so as to relieve undue burdens upon agricultural products and raw materials generally which are now not possible without ruin to small units, owing to the lack of diversity of traffic.

In response to the insistent demands for revision and readjustment, the Sixty-eighth Congress passed the Hoch-Smith resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act in the fixing of rates and charges. In the hearings on that resolution it was estimated that because of the multitudinous duties then engaging the attention of the commission it would require from 5 to

10 years to complete the work. Numerous hearings have since been held; and when one takes into consideration the vast amount of work devolving upon the commission it is only fair to state that the estimates are entirely reasonable.

When the Interstate Commerce Commission was first organized its duties were very limited and almost wholly of an advisory nature. The general impression was that each State would handle the traffic and transportation within its boundaries, and this was done for some time; but as the Supreme Court developed the power of the Federal Government under the commerce clause of the Constitution, intrastate traffic decreased and interstate traffic increased.

This development of power under the commerce clause has proceeded to such an extent as to require the commission to take jurisdiction not only over all interstate commerce but to remove all obstacles interfering with its natural unrestricted flow; to make rules, regulations, and classifications, to remove the prejudices and disadvantages under which the interstate shipper may be laboring by reason of intrastate rates so that intrastate traffic only composes about 15 per cent compared to 85 per cent composing interstate.

As a result, the Interstate Commerce Commission to-day is overburdened and overwhelmed with the multitudinous duties thrust upon it by the development of this power and numerous acts of legislation enacted in recent years, imposing duties that are legislative, administrative, and executive in their nature.

Ten years ago, Congress directed the commission to value the roads and it is still engaged in that work.

The act of 1920 directed the commission to formulate a plan for the consolidation of roads. It has held numerous hearings in all sections of the country and devoted a large part of its time to the investigation and consideration of the intricate and complex problems of consolidation. In its last annual report, it informs Congress that it is unable to further proceed with the work under the act. In this conclusion, it is eminently justified because the act fixes a hard and fast rule for consolidation which the subsequent information developed by the commission discloses to be wholly impractical and unworkable.

The dockets of the commission are congested with complaints of unduly discriminatory rates which would require several years in their disposition.

The safety appliance act, which has so much to do with the safety of the traveling public as well as the employees, has imposed additional burdens upon it.

It must supervise and make uniform a system of accounting continually changing for all the roads.

Anticipating the additional burden of interstate motor bus and truck transportation, it has been holding hearings over the country in relation to this new form of competitive traffic.

During the last five years, the railroads have expended in excess of \$4,000,000,000 in improvements and betterments. Such expenditures and similar future investments should be closely scrutinized by the commission.

Under the Parker Act of 1925, the Labor Board has been abolished and the public must now depend upon the commission to closely scrutinize the labor accounts of the roads involving the employment of 1,747,207 and the annual payment of \$2,860,607,183 in wages. In order to properly safeguard and protect the public, the commission is expected to pass upon the reasonableness of the wages paid by the carriers and see that the wage level is not out of all proportion to the returns on production in agriculture and industry.

Under such conditions, how can it be reasonably expected that the commission can take up the enormous work involved in the overhauling of the rate structure and a revision and readjustment of rates, each one of which has a relativity reaching out in all directions to the rates on other commodities and to all sections of the country?

And this is not the fault of the commission. It is the fault of Congress that has been using the enlarged jurisdiction and vast powers of the commission as a receptacle into which it has continually poured to overflowing the demands of the public for control and regulation without providing adequate additional facilities for the enormously increased work thus imposed.

It will thus be seen with the daily demands imposed upon it that it is humanly impossible for the commission to proceed with that care and deliberation and judgment which experience in the work alone can give, to a thorough revision and readjustment and a proper consideration of all the numerous questions that enter into rate relativity to country and commodity. A thorough, scientific overhauling of the rate structure is a continuous work and is of such vast importance to every section of the country that it should have the consideration and impartial judgment of those who are in a position to give it their undivided and continuous attention.



The need for additional machinery for this important work is so apparent that it requires no argument in its support. It is the most important work which any agency of Congress can perform for the relief of the general public. What the building of the national and State highways has done for the general public during the last 10 years, so will this work, when intelligently and impartially performed, do for commerce over the transportation lines of our country.

What additional machinery should be provided? There is but one answer to that question. It is: Regional commissions clothed with the same powers now exercised by the Interstate Commerce Commission in regard to all classification, rate, and service matters within their respective regions, with power to initiate in revising, readjusting, and overhauling of the rate structure, their decisions on the record to be reviewed on appeal by the commission at Washington. This would afford equal representation to every section of the country and a convenient tribunal for the hearing and determination of complaints. Abolish the United States district and circuit courts, and you would have parallel conditions in civil matters in the administration of justice to the present existing conditions in the administration of the transportation act.

Out of the inescapable necessities of the administration of the present law, the shippers and carriers have been compelled to develop associations of their own in different sections of the country so as to be able to iron out and deal with the conditions which are peculiarly their own. Hence we have the following associations representing the carriers in their respective districts: The Southern Freight Association with main office in Atlanta, Ga.; the Southwestern Freight Bureau with main office in St. Louis; the New England Freight Association with main office in Boston; the Trunk Line Association with main office in New York; and the Western Freight Association, the Central Freight Association and Transcontinental Association, all with main offices in Chicago.

Representatives of the shippers and carriers of these associations in these districts meet and adjust rates and file their tariffs with the commission. If no complaints are made to the proposed changes within 30 days, the rates go into effect without investigation or hearing by the commission. This is the rate making by shippers and carriers that has been going on for years. It has resulted in an automatic accumulation of rates fixed by such representatives.

The additional machinery should provide a regional commission for each rate-making district to represent the public in holding hearings affording witnesses an opportunity to be heard and with power to adjust and fix rates that are reasonable alike to the roads, the producers, and the consumers.

The burden of transportation is of such great consequence to every section of the country that it should not be apportioned either by representatives of the parties directly interested or by those who are able to pass the burden on to others. It is of such vast consequence as to require its distribution by parties directly responsible to the public and interested in its welfare, the great unorganized public that pays the freight. It should not only have regional administration but regional administration coupled with responsible jurisdiction. If regional administration is necessary, likewise is regional jurisdiction. Administration with such regional commissions having jurisdiction would afford a speedy hearing and determination of all complaints, relieve the present congested condition of the Interstate Commerce Commission, and afford it a breathing spell to begin the work of regulatory and supervisory control, consolidation of the roads, and the innumerable other duties that are now and will be imposed upon it from time to time.

The machinery for such representative administration is embodied in House bill No. 7092 introduced by me and now pending before the House Committee on Interstate and Foreign Commerce. This bill may not be presented to you for consideration at this session. I shall introduce a similar bill at the next session and insist upon its consideration, as it is only a question of time when its necessity and workability will be generally recognized and its enactment demanded.

#### SITES FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass Senate bill 4663, authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings, with amendments.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that the bill embraced within the motion of the gentleman from Indiana is not available to us in printed form, and I therefore ask for order while the bill is being read, so that we can understand it. Part of it is in typewriting.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the bill S. 4663, which the Clerk will report with amendments.

The Clerk read the amended bill, as follows:

A bill (S. 4663) authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings

*Be it enacted, etc.,* That to enable the Secretary of the Treasury to acquire economically and at an early date adequate sites for suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, in accordance with the provisions of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, as amended, he is authorized and directed to acquire, by purchase, condemnation, or otherwise, all the lands, including buildings and other structures, included within the triangle bounded by Pennsylvania Avenue, Fifteenth Street, and B Street NW., and reservations A, B, C, and D, except square 256 and except property owned by the United States or the District of Columbia, as such lands appear in the records of the office of the surveyor of the District of Columbia.

Sec. 2. There is hereby authorized to be appropriated, in addition to the amounts authorized in such act of May 25, 1926, as amended, and without regard to the limitations contained in the first paragraph of section 5 of such act, as amended, the sum of \$25,000,000, or so much thereof as may be necessary, to carry out the provisions of this act.

Sec. 3. (a) The first paragraph of section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, is amended to read as follows:

"Sec. 5. For the purpose of carrying out the provisions of this act the sum of \$250,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization and from appropriations (exclusive of appropriations made for 'remodeling and enlarging public buildings'), heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of, public buildings under the control of the Treasury Department, not more than \$35,000,000 in the aggregate shall be expended annually (except that any part of the balance of such sum of \$35,000,000 remaining unexpended at the end of any year may be expended in any subsequent year without reference to this limitation): *Provided*, That such amount as is necessary, not to exceed \$50,000,000 of the total amount authorized to be expended under the provisions of this act, shall be available for projects in the District of Columbia, and not more than \$10,000,000 thereof shall be expended annually (except that any part of the balance of such sum of \$10,000,000 remaining unexpended at the end of any year may be expended in any subsequent year without reference to this limitation): *Provided*, That at least one-fifth of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized, and at least one-fifth of the expenditures for the fiscal year 1928 and at least one-fifth of the expenditures for the fiscal year 1929 shall be for a like purpose, unless a less amount shall be necessary to complete all of such buildings: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of \$5,000,000 annually in anyone of the States, Territories, or possessions of the United States."

(b) The last paragraph of such section 5 is amended by striking out "\$150,000,000" and inserting in lieu thereof "\$250,000,000."

The SPEAKER. Is a second demanded?

Mr. McKEOWN. Mr. Speaker, I demand a second.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Indiana whether he would be willing to extend the time of debate on this bill?

Mr. ELLIOTT. The trouble about that is that there are other suspensions waiting, and I would not want to agree to extend the time on this bill.

Mr. GARRETT of Tennessee. This is a matter of very great importance; the bill is not in print, being partly typewritten, and it seems to me the gentleman could agree to extend the time a little.

Mr. ELLIOTT. I could not do that without interfering with the program as laid down by the Speaker with regard to these other bills. For that reason I would not want to agree to an extension of the time.

Mr. GARRETT of Tennessee. I do not know what the other suspensions are but it may be they will not require roll calls so it seems to me the gentleman could very well extend the time and make it 30 minutes on each side. Mr. Speaker, I ask unanimous consent that the time for debate be extended 20 minutes, 30 minutes to be controlled by the gentleman from

Indiana [Mr. ELLIOTT] and 30 minutes by the gentleman from Oklahoma [Mr. McKEOWN].

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time for general debate be extended 20 minutes, so that the total time will be one hour, one-half to be controlled by the gentleman from Indiana and one-half by the gentleman from Oklahoma. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is recognized for 30 minutes and the gentleman from Oklahoma for 30 minutes.

Mr. ELLIOTT. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. LANHAM]. [Applause.]

Mr. LANHAM. Mr. Speaker, inasmuch as that part of this bill which is offered in amendment of the Senate measure is not available in print, I shall appreciate it if, in view of my limited time, I may be permitted, without interruption, to make a succinct statement in order that the Members may be more familiar with its provisions.

This bill, as brought before us, includes two different features. The first has reference to the proposed purchase of the so-called triangle here in Washington in order that the Government may own the land south of Pennsylvania Avenue and north of Maryland Avenue. This matter has been discussed so frequently on the floor of the House that I think all Members, perhaps, are familiar with it. This is embodied in the Senate bill now under consideration and is available in print.

The second feature, suggested by way of amendment, has reference to an authorization of appropriations for the construction of Federal buildings in the country at large. You will recall that in the act which was passed last year \$100,000,000—exclusive of the \$15,000,000 provided for the erection of buildings authorized in 1913—was authorized for the construction of Federal buildings throughout the country. The purpose of the second feature of this bill is to increase that amount by an additional \$100,000,000 for the country in general; in other words, to make \$200,000,000 available instead of \$100,000,000. It was specified also in the act which we passed last year that annual appropriations thereunder should not exceed \$25,000,000. This amendment increases that authorization for annual expenditure to \$35,000,000. It provides also that if in any year the amounts made available by appropriation for the District of Columbia and for the country at large should not be entirely expended within that year any balances which may be remaining may be carried into the next year. This is simply a matter of practical operation, advocated by those who will have charge of the actual construction. It will facilitate the administration of the act, because with so much building to be undertaken it is most likely that the expenditure of some of the annual funds will necessarily have to lap over into the following year.

Now, gentlemen, I want to discuss my attitude with reference to this measure, especially in its second feature. I think there is relative unanimity of sentiment with reference to the necessity of buying before contemplated enhancements in value that part of the land in the so-called triangle here in Washington which the Government does not now own.

When this proposition was before us originally, changing the policy in the matter of the construction of our Federal buildings, many of you will recall that I opposed it and expressed the belief that the authority should be lodged in the Congress rather than in the executive departments. However, that matter was settled very conclusively here on the floor of the House last year by a vote of more than two-thirds of the membership. After that law was passed the Secretary of the Treasury and the Postmaster General, in accordance with the terms of that act, proceeded to make a survey of the building needs of the country. Of course, they have not had a full year for that purpose, inasmuch as the act was not approved until the latter part of May, 1926. The survey at this time is necessarily less comprehensive than the annual reports will probably be, which they are required to make to Congress each year. But this initial report has been presented, and I assume that every Member of the House is entirely familiar with its provisions. This report provides for construction aggregating in its total cost about \$176,000,000, or \$76,000,000 in excess of the \$100,000,000 authorized in the act of last year.

Now, gentlemen, there may be some doubt in the minds of many Members as to whether or not the selections that have been made under this survey represent the most urgent cases. Some may protest that the places which have been enumerated do not present the most pressing needs of the country. Of course, that is very largely a matter of personal opinion. I think it can be agreed, however, that the country needs all of the construction which has been recommended in that report. In other words, no place has been selected which does not have a real

need for a public building, although in the opinion of some Members there may have been cities and towns in more urgent need than some of those which have been chosen. Every section of the country has been included in the recommendations made.

As was once said by one of our Presidents, we are confronted, in my judgment, with a condition and not a theory. This report indicates that approximately \$400,000,000 will be required in order to complete all the public building which the Nation needs. If we add to the present authorization the \$100,000,000 here suggested, then we shall have authorized practically one-half of the money necessary for this purpose in the entire country and, in so far as the authorization is concerned, we shall have one-half of our building problem behind us.

Let me call attention to the fact that there has been some misunderstanding of one provision of the bill which we passed last year. It stipulated that each State, under the original survey, should be accorded two new post-office buildings. That was evidently the legislative intent. In the departments, however, it seemed at first to be the opinion of those in charge that, if a State had already been granted a building under the act of 1913, such a building might be counted as one of the two for each of the various States. I want to say that the departmental authorities have changed that ruling—and I think properly so—and have reached the conclusion that it was the intent of the Congress that two buildings not heretofore authorized should be constructed in each State. Under this revised ruling the States of Florida, Georgia, Tennessee, New Mexico, North Carolina, and South Carolina will each receive an additional building not included in the present report.

Mr. WILLIAMSON. Will the gentleman yield there?

Mr. LANHAM. I wish to finish my statement, but I will yield to the gentleman.

Mr. WILLIAMSON. South Dakota is also included in that list.

Mr. LANHAM. There may be one or two other States. I just happened to notice these States in reading the report, and in each of the ones I have mentioned there had been one building authorized in 1913.

Mr. McKEOWN. Will the gentleman yield?

Mr. LANHAM. The gentleman has 30 minutes and I have 10, and I should like to complete my statement. If the gentleman will yield me time, I shall be glad to give him any information I have.

Mr. McKEOWN. I will yield the gentleman a minute to answer my question. I just wanted to know the number of minutes since that order was made. How old is the order? How long since they made that ruling?

Mr. LANHAM. Very recently, I understand.

Mr. McKEOWN. Just in the last few hours. [Laughter.]

Mr. LANHAM. I heard it several days ago, and I think the gentleman will find upon investigation that the ruling was made several days ago.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. LANHAM. I should prefer to continue a little further until I complete my statement, and then, if I have any time remaining, I shall be pleased to yield to the gentleman.

In the first place, if we adopt this measure to-day and add \$100,000,000 to the amount now authorized, our future policy with reference to buildings is not necessarily determined finally thereby. If we choose to do so, we may go back to the Committee on Public Buildings and Grounds and bring in an omnibus bill for amounts in excess of that. We have adopted this present policy for this particular construction, and by more than a two-thirds vote. This measure asks for an authorization of the money to carry out the original survey and for a surplus of about \$24,000,000 with which to do other necessary construction work in the country.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ELLIOTT. Mr. Speaker, I yield the gentleman from Texas two minutes more.

Mr. LANHAM. Of course, the only bill which could possibly be satisfactory to every Member of the House would be one carrying about \$400,000,000, specifying the places and meeting every legitimate building need. But let us look at this matter practically. If we do not pass this measure, then what will the situation be? If we do pass it, we shall have authorized one-half of the necessary construction in the country.

If we do not pass this bill, then we go back into the nebulous and chaotic state of still needing \$400,000,000 for our public buildings. You know and I know that there is no possibility at this session—and likely none at the next session—of getting any such measure reported from the Committee on Public



Buildings and Grounds and acted upon favorably by the Congress. Certainly at this session it could not even receive attention, and could not possibly be voted upon.

So we are confronted, I say, with a practical condition and not with a mere theory as to whether or not we like this particular policy. The policy was adopted by a two-thirds vote of the House. The survey has been made in accordance with that policy. Now, having marched up the legislative hill, shall we march back down again and allow this important matter to go back into a chaotic state? We have had no public building in this country since prior to 1913. In the light of our legislative knowledge, is it the part of wisdom to defeat this measure and then proceed in the hope that at some time in the future an omnibus bill aggregating \$400,000,000 will be brought forth from the committee?

I trust, gentlemen, that we may look at this proposition from a practical standpoint. I opposed the adoption of the policy, but it was adopted over my opposition. We now have it, ratified by a two-thirds vote. The survey has been made, and we may get one-half of our authorization for public buildings behind us. Under these circumstances it seems to me the part of good judgment not to throw a monkey wrench into the machinery but to allow the Federal construction so much needed to proceed. [Applause.]

Mr. McKEOWN. I yield 10 minutes to the gentleman from Mississippi [Mr. BUSBY]. [Applause.]

Mr. BUSBY. Mr. Speaker and gentlemen of the House, I ask your indulgence for a short time while I refer to the provisions of the bill before us for consideration. In the closing statement of the gentleman from Texas [Mr. LANHAM] he said that if we did not pass this bill we would have no bill at the next session of Congress. I want to say to you that if we eliminate the \$25,000,000 limit provision contained in the Elliott bill it will make no difference whether we pass a bill at this session, the next session, or the next session of Congress. It will not retard or hold up the building program in the country, because in the Elliott bill we authorize an expenditure of \$165,000,000—\$50,000,000 of which is to go to the District of Columbia.

Now, if we increase the amount that may be spent annually to \$35,000,000, of which \$10,000,000 is to go to the District of Columbia, we still have enough authorization to cover appropriations for five years to come. Consequently there can be no reason why we should saddle on ourselves a situation and a system that the present needs of the country do not require and which system present indications suggest will not work out well. The Reed bill proposes to increase the authorization \$100,000,000, to be added on to the \$165,000,000 already authorized, not a dollar of which has been spent. That amount can not be reached until the authorization of \$165,000,000, already made, has been exhausted. We understand that. So it would not help from that standpoint of furnishing more funds. At the last session of Congress you remember I made a statement on the floor of the House in which I said that it had been estimated by the Treasury Department, which was authorized to administer the building bill, that six States would be provided with \$72,000,000 of the amount that we could appropriate. The chairman of the committee, Mr. ELLIOTT, in his statement in the House just before the passage of the Elliott bill, said:

One of the propositions they seem to be worrying about in this bill is that we have allocated all of this \$100,000,000 to a few States in the United States. We have allocated nothing to anything, except the whole United States. [Applause.] The fact is that this \$100,000,000 will be allocated from time to time to the different parts of the United States over a period of seven and a half years. We may have another Secretary of the Treasury or two Secretaries of the Treasury, or, God forbid, we might even have a Democratic administration in that time. Which all goes to show that this story that this money is already allocated is simply poppycock. It can not be done under the terms of this bill at this time.

That is what he told you. The volume I hold in my hand is House Document 651. It is the joint survey of the minimum needs of the country for public buildings made by direction of the Secretary of the Treasury and the Postmaster General in pursuance of their duties under the public buildings act of 1926 and informally presented to Congress for its general information.

It shows that five States are to get \$101,562,000 of the money provided for in the Elliott bill, as follows: New York, \$39,040,000; Pennsylvania, \$20,547,000; Illinois, \$16,600,000; Massachusetts, \$15,215,000; and California, \$10,160,000. And in this same document it is recommended that the remaining 43 States

get the balance of \$75,000,000 recommended to be spent for post-office buildings.

In addition to that my contention is that this survey covers \$200,000,000, this survey that has received the official stamp of the Treasury and Post Office Departments. On page 3 of the report or survey all items estimated for and recommended total \$199,128,000, to be expended out of the \$100,000,000 authorized by the Elliott bill, and the \$100,000,000 in the Reid bill now before us, making a total of \$200,000,000 possible to be spent under both bills for Federal buildings.

I want to ask the author of the bill, the gentleman from New York [Mr. REED] where he gets the idea that he disclosed in his speech made last Friday, February 5, that—

The liberalization of the act of May 25, 1926, will meet the urgent needs of the country at a much earlier date than would otherwise be possible. It will bring relief to the smaller cities, where conditions are in many instances intolerable.

Out of what funds does he hope to get the money to build the post-office buildings in these small places? I want him to rise now and tell the House how the funds are provided in his bill to meet this promise.

Mr. REED of New York. The gentleman will find it in the report which he holds in his hand.

Mr. BUSBY. It has been reported to me within the last day or two that if a Member has an objection to the estimates set out in this official report and desires that additional places be put in all he has to do is to go to the Supervising Architect's office and they will make him a satisfactory estimate on all places desired, build him a paper post office forthwith, tell him where they will put it, and he comes back happy and satisfied. [Laughter.] How many of you if you had the nerve to hold up your hands, have received similar promises from the Secretary of the Treasury, or the bureau under him, administering this bill? Dozens of you, and you know you have. I say it without fear of anyone getting offended that many Members have traded their honest opinions as to what they ought to do on this bill for paper post offices promised to be built with funds provided in this bill. [Laughter.] You can not get away from it.

There can only be \$25,000,000 to spend this year, the program is full, and if you put additional projects in then you crowd out some that are already in the recommendations. You can only build so many buildings with \$25,000,000. I have heard it estimated by one gentleman on the floor of the House who has taken an active part in seeing what promises have been made, that it would take a billion dollars to build all the post-office buildings that have been promised to Members of Congress by the Treasury Department and the office of Supervising Architect in their effort to put over this bill. The situation is becoming ridiculous and reprehensible in its favoritism, as I predicted it would do when we passed the Elliott bill.

I am not for any such business as that. I want to refer to this bill from a practical standpoint and I do it with all kindness. I turn to Rushville, Ind., the home town of the chairman of the committee, the gentleman from Indiana [Mr. ELLIOTT].

I find on page 33 of the official survey and recommendations made by the Treasury and Post Office Departments the following:

This city should also have serious consideration for a Federal building, in view of the services rendered the country by Representative ELLIOTT, author of the public buildings bill.

We recommend that a new building be located at Rushville.

This same gentleman told us last year there was no "pork" in his bill. [Laughter.] Is not that "pork"? I turn now to page 29 of the report to Mr. Harry New's town—Indianapolis, Ind., the city where the Postmaster General lives—and I find there that in some way or another, perhaps when the Postmaster General was away on business, some one has leased to the Post Office Department 56,800 square feet of space at an unusual rental of \$66,000 per annum—more than a dollar per square foot per annum. The lease is noncancelable, and expires December 1, 1942, and does not contain an option to purchase.

The Post Office Department has under lease at the Illinois Street Station 56,800 square feet of space at a rental cost of \$66,000 per annum. The lease is noncancelable, expires December 1, 1942, and does not contain an option to purchase.

That is in the Postmaster General's own town. They want a building there and of course they ought to have a building there if he is going to make such contracts as that. Then I turn to page 16 of this same report which you gentlemen have in your hands to a town which is the home of the Repre-

sentative from Delaware [Mr. Houston]—Georgetown—which is shown in the report to have a population of 710 in 1920.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. BUSBY. That town is recommended to receive a building.

Mr. HOUSTON. That is a misstatement; there is a misprint there.

Mr. BUSBY. I knew it was a misstatement, but I did not know who made it. [Laughter.]

Mr. HOUSTON. That is a misprint. The post-office receipts there are over \$20,000 a year, and the population was 1,710 in 1920.

Mr. BUSBY. I have the official list before me from the Post Office Department, and by reference to it I find that it shows the postal receipts for the fiscal year ended July 1, 1926, to be \$15,023, and the population as the gentleman has stated.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. BUSBY. Not now, Mr. Speaker. There are 799 cities in this country, with receipts of from \$20,000 to \$912,000, which are not estimated for in this bill. Neither can they be estimated for if the Reed bill is passed, although the amount provided for by it would not be reached for five years, and these 799 cities would require \$95,000,000 additional, according to the survey out of this Reed bill and the Elliott bill to take care of them when there is only a balance of \$872,000, after covering the \$199,128,000 already recommended. In addition to that, there are 1,512 cities with receipts of from \$10,000 to \$20,000 per annum, and not one of them is taken care of; they would require an additional \$75,000,000. Of the 179 cities that are recommended for buildings in this report of the Secretary of the Treasury and the Postmaster General, each one already has a Federal building. There are only 58 new buildings provided for and they are to cost only \$8,700,000. One hundred and sixty-seven million dollars of the Elliott and Reed bills is to go to these big cities that already have Federal buildings. That means an average of nearly \$1,000,000 to the city.

The report of the Secretary of the Treasury and the Postmaster General, which has just been submitted following their survey, showing the minimum of public-building requirements based on each State, discloses that 179 cities already having Federal buildings require enlargements and additions amounting to \$167,850,500; 58 cities which have no Federal building require an additional \$8,477,500, making a total of \$176,328,000 required for Federal building construction, all of which is recommended in this survey. These recommendations do not purport to cover even the urgent building requirements of the country.

In addition, the survey discloses that there are 799 cities having postal receipts of more than \$20,000 per annum, and some of these cities as much as \$900,000 per annum, which have no post-office building.

To give you a clear idea of the exact situation, there are 4 cities having more than \$400,000 postal receipts per annum, 11 cities having between \$200,000 and \$400,000 per annum, 19 cities having between \$100,000 and \$200,000 per annum, 119 cities having between \$50,000 and \$100,000, 255 cities having between \$30,000 and \$50,000, and 445 cities having between \$20,000 and \$30,000. No recommendations are made for buildings in any of these cities.

In addition to these it is disclosed that 1,512 places have receipts of from \$10,000 to \$20,000 per annum, making all together 2,370 cities which have postal receipts of more than \$10,000 per annum that are not recommended to receive a post-office building under the survey just submitted.

It is estimated that these additional places would require an expenditure of \$170,420,000 for suitable post-office buildings. This, together with the \$176,328,000 necessary to cover construction of projects recommended and referred to above, would indicate that it will require from \$350,000,000 to \$400,000,000 to properly take care of the public building necessities of the country since, as is indicated in the report—

That the growth of the postal and other services is so rapid that additional needs will develop during the period of the present building program to an extent which will greatly enlarge the figures presented in this report. The Postal Service doubles in about 10 years, and it is therefore obvious with the present limitation of expenditures provided in the act, there would be no possibility of the building program catching up with the public-building requirements of the country.

I want the Members of this House to understand what is being backed over them now. They are not bringing this Reed bill to you face foremost, they are backing it over you. It has never been printed so you can see it and study it; you have

never seen the bill in any form, and they will not even let you see what you are going to vote on until to-morrow—after you have voted.

It is a shame that we should sit here and pass bills that we have never seen; in the nature of things, could not have seen. It is ridiculous that we should pass bills that have never been printed or opened up to you, so that you can tell what their terms are, and yet they carry authorizations for millions and hundreds of millions of dollars of the people's money. I want to call your attention to the fact. There is no limit on most of the authorizations for expenditures in the District of Columbia. We have the triangle purchase of \$25,000,000; the new bridge, \$15,000,000; the Government hotels, \$6,000,000; the site for the Supreme Court Building, \$1,500,000; then this square where the filling station is located, \$800,000; the House Office Building, \$7,000,000; the bathing beach, \$700,000; making a total of \$106,000,000 for the District of Columbia, and they can spend next year, without any limitation, \$66,000,000 of that. You are not tying up the funds that you are providing for the District of Columbia, but you are giving your district and the country at large only the sum of \$25,000,000 for all Federal buildings, even if you increase the limit, as the Reed bill provides. My idea is that we do not need a limit on the amount that may be spent for post-office buildings. The Treasury Department is the one that wants the limit placed on. The Treasury Department is administering the bill. They have not done anything in a year toward spending any money, and I do not see why they need any limit placed on themselves when they show no disposition to get results out of what we have already provided.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. ELLIOTT. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker and gentlemen of the House, as a member of the Public Buildings and Grounds Committee I opposed the bill known as the Elliott Act, approved on the 23d of May last year, which authorized the Secretary of the Treasury and the Postmaster General to select the places where buildings are to be erected. I opposed it in the committee and spoke and voted against it on the floor; but after having worked for 10 years in an endeavor to secure an omnibus bill in which Congress selected the places, I found after the vote was taken on the Elliott bill that that is impossible. I have considered this bill carefully as a member of the committee and I voted to report it out, increasing the appropriation \$100,000,000 for post-office buildings in the country at large. I believe that if the administration at the first session a year ago were going to adopt this policy they should have provided for at least \$200,000,000 for Federal buildings in the country outside of the District of Columbia. The policy has been adopted, and after eight months' time a rather comprehensive survey has been made and reported to Congress. I realize that if we are going to get any buildings in the country we have got to get them under the policy which has been adopted by the administration.

Mr. Speaker, this great Government of ours, the richest on the earth, is a tenant Government. It is to-day paying out more than \$25,000,000 rents for buildings in which to conduct the Government's business. I am one of those who believe that the Government ought to own its buildings in which to conduct the people's business. I would like to see all of the Federal officers and employees of the Government occupying Government buildings, where the business is of great importance. Such buildings would inculcate in the people of the different sections of the country a spirit of patriotic pride, which could not be measured in dollars and cents. All private business is conducted in buildings owned by individuals and corporations. Why not the Government, where there is any great amount of business? Let this law be given a fair trial. This can not be done without more money. They have adopted a policy, right or wrong. I think it is wrong. I would rather go back to the old omnibus bill and let the Members of Congress designate the places, but I realize that that can not be done. Then why not go on and appropriate another \$100,000,000, the amount that ought to have been given a year ago, and make the best of it? [Applause.]

Mr. McKEOWN. Mr. Speaker, I yield four minutes to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Speaker and fellow members of the House of Representatives, last year I supported and voted for the Elliott building bill, believing that the Post Office Department would consider Government buildings from either a standpoint of Federal revenue produced or by the number of



people served in the respective communities. I thought consideration would be given to the fact that there are between 140 and 150 post-office sites now owned in the United States. It seemed to me that where the Government has owned land for a number of years, paying out public moneys in form of rent, and where the revenue produced was sufficient volume to warrant new post-office buildings, the Post Office Department would at least have the good sense to recommend such businesslike action. I regret very much to say, from the evidence in hand, Document 651, that this is not the case, as cities which have had sites since 1913 are not receiving recommendations for buildings in this report.

New Jersey, my native State, the third to join the Federal Union, seventh largest producer of Federal revenues, and eleventh largest in the whole United States in population, receives approximately less than 2 per cent of the entire funds as provided by a survey calling for the expenditure of \$176,000,000. At the present time we have only 17 public buildings in our State, of 77 cities which produce over \$20,000 in revenue, and are next to the bottom of the list of the States of the United States in Government ownership of public buildings; this is due to the fact that favoritism has been constantly shown in post-office reports, and I am opposed to a continuance of this course of policy by the Post Office Department.

Now, this report, which those in favor of the bill say is only a paper report, has a number of things in it which will not bear close scrutiny. In one city in my State, Millville, N. J., which has postal receipts of slightly over \$38,000, and where the Government owns the site, this report recommends a building. In the same report, page 123, Red Bank, N. J., whose postal receipts are between \$80,000 and \$90,000, and where the Government also owns a site, purchased under the act of 1913, they do not recommend any post office for that city. Why? The only reason I know of is that a former governor of our State represented that county in the State legislature for a number of years and wants to go to the United States Senate by doing away with the direct primary, would like to have a post office there. Is this not absolutely a matter of politics and favoritism? Among the first 27 cities of New Jersey, Millville is not even mentioned in post-office receipts, whereas Red Bank is.

A year ago I introduced a bill to provide for a public building at Dunellen, N. J., which is fourteenth on the list of post offices in the United States without public buildings, and where the receipts are between \$200,000 and \$400,000 per annum. Now, the Post Office Department recommends a post office for a town of 710 people, where the post-office receipts are slightly over \$15,000. Is this sound business? The receipts of the Dunellen post office would pay for the building within a year. This post office issues nearly \$175,000 worth of money orders in addition to its postal receipts. Now, what mention was made in this report of a public building for Dunellen or three other cities in New Jersey, where the postal receipts are between \$200,000 and \$400,000 per annum, and are without public buildings?

If the Post Office Department is not going to take into consideration earnings or population, or where they own sites, or have sufficient revenue, what are they going to consider? I think their own report very clearly indicates their policy. A city which has a population of 6,500 and postal receipts of almost \$29,000 is described as follows:

This city should have serious consideration for a Federal building in view of the services rendered the country by representative . . .

I am very much opposed to the pork-barrel system, but I will state that while you have that system you can look in the barrel and see where the pork is located. In this bill which is up for consideration you vote, and after you have voted the department gives you what they want. Who is best fitted to know the requirements of their district; the man who represents the district in Congress and who is elected by the majority of the people in the district or the Post Office Department, who is expected to make a competent survey and includes considerable sprinkling of politics? I am opposed to the passage of this bill, giving the Post Office Department power to spend any more of the public money. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. Roy G. Fitzgerald].

Mr. ROY G. FITZGERALD. Mr. Speaker and gentlemen, I was impressed very much with the argument of my friend from New Jersey, to whom we have just listened, and also by the argument of the gentleman from Texas. We are dealing with practical questions, and we want the Postal Service efficiently administered in the various municipalities of the country. I am personally interested, because the city of Hamilton, Ohio, is in my district. The city of Hamilton, Ohio, has increased in postal receipts over 103 per cent in the last 10 years. Hamilton

led all cities in Ohio last year in the percentage of increase in building. The post office is too small to permit an efficient handling of the public business. I am especially interested in the passage of this bill, because the report heretofore mentioned—House Document No. 651 of this session of Congress—recognizes the great need for relief at Hamilton, where the crowded building with its peeling walls looks as if it had the smallpox and is so unfit as to arouse the protests of the citizens. There is a crying need for this and other post offices as shown by the report.

If any Members are disappointed because cities in their districts are not included in the recommendations of this report, they can still best serve their constituents and their people by passing this bill, so that we get these municipalities supplied with proper postal facilities. Every one of them requires it and needs it for the orderly and efficient transaction of the Nation's business, and when these are out of the way it will be much easier to get it for the municipalities of those gentlemen coming from such districts as that of the gentleman from New Jersey who has just spoken. [Applause.]

Mr. McKEOWN. Mr. Speaker, I yield two minutes to the gentleman from West Virginia [Mr. Woodyard].

The SPEAKER. The gentleman from West Virginia is recognized for two minutes.

Mr. WOODYARD. Mr. Speaker and gentlemen of the House, in the very short time allotted to me, of course, it is utterly impossible to assign fully all of the reasons for my opposition to this bill. But I am opposed to this bill in principle, to the principle involved here of this House abrogating its unquestionable right at least to partially determine how and where the public money is to be expended, whether in public buildings or in any other enterprise of interest to the people of this country.

So far as my individual interests are concerned, my district, under the provisions of this bill, or the intent that will be carried out, as I learn from the officials of the departments, will receive something like \$600,000. But that does not interest me to the extent of supporting a measure here that is going to establish a policy that will take away from this House the right that I feel the individual Members have in at least partially determining where this money shall be spent.

I have taken this matter up and spent a considerable time talking with the officials, from the Postmaster General down and officials of the Treasury Department, and I do not hesitate to say that this policy, if carried into effect, will substantially mean what I have tried to outline to you here. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. Chalmers].

The SPEAKER. The gentleman from Ohio is recognized for one minute.

Mr. CHALMERS. Mr. Speaker, to save time I ask unanimous consent to insert these letters in the RECORD: One to Secretary Mellon from myself and one to me from Hon. John M. Killits, a Federal judge in Toledo for the past 17 years.

The SPEAKER. The gentleman from Ohio asks unanimous consent to insert certain letters, as indicated, in the RECORD. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker, I am an optimist. I believe in men and their promises. I believe that—

God's in His heaven;  
All's well with the world.

[Applause.]

I know that I represent one of the most urgent Federal projects in the country. I am going to vote for this bill with the firm belief that Toledo, Ohio, will be cared for. [Applause.]

Following are the letters referred to:

JANUARY 18, 1927.

HON. ANDREW MELLON,

Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: To say that I was much disappointed to read that the joint commission of the Treasury and Post Office reported adversely on the Toledo Federal building project would be putting the matter very mildly. I have discussed this matter with you personally and several times with your assistants in charge of Federal buildings. I have also had many conferences with your architect, Mr. Wetmore. It has always been conceded by those who have had any intimate knowledge of the situation that Toledo was one of the most urgent projects in the United States. This has been stated to me by Judge MacKinzie Moss, the late Mr. Kilpatrick, and others.

I can not help but feel that this adverse recommendation comes largely through post-office influence. Of course, the Post Office Department is well satisfied to continue in the present arrangements. A site worth at least a million and a half dollars is tied up in the service

of a down-town substation. I have said in interviews with your Mr. Dewey, and I want to put myself on record here in the statement, that the Post Office Department has nothing whatever to do with the decision to build a new Federal building in Toledo. We are not planning any postal activities for that building. The entire matter rests with you as Secretary of the Treasury.

You have been granted by Congress the authority to sell the present Federal building site in Toledo. Please note the enabling act, volume 43, part 1, Public Laws of the Sixty-eighth Congress, page 1258, from which I quote the following paragraph:

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell, when salable, at a price by him deemed reasonable and adequate, for cash, at either private or public sale, the old Federal building in Toledo, Ohio, formerly used as the main post office, and used as a post-office substation and Federal office and court building, the same being situated on the southeast corner of Madison Avenue and St. Clair Street, in said city.*

*"Approved, March 3, 1925."*

You will please note that the authority and responsibility for the new Federal building rests solely with you. In fact, the law not only authorizes you to sell the present holdings in Toledo but directs you to sell it when salable. I shall undertake to secure for you a satisfactory price for the Federal site on the corner of Madison Avenue and St. Clair Street, Toledo, Ohio. If it is your wish, I will attempt to pass through this session of Congress an act empowering you to transfer the funds made available by said sale toward the construction of a new Federal building for Toledo.

I call your attention to the fact that the present building is utterly, hopelessly inadequate to the Federal requirements in our city. The building was provided for in the early eighties. It was completed and opened in 1888. You will please note that in 1880 the city of Toledo had a population of 50,137 people; in 1890 the population was 81,434. Toledo now has a population of more than four times the population when the present building was opened in 1888. The semiofficial report for 1925 gives Toledo 305,000 people.

Since that time the Government has expended \$35,000 in repairs and a small addition.

On the first floor there is a subpost office, the office of the steamboat inspectors, and the United States engineers. The second floor is assigned to the internal revenue collector, the United States customs, and the district attorney. On the third floor there is a court room, offices for the court clerk, marshal and United States judge, messengers, and library. In the attic they have placed a jury room, a store room for the clerk of court, and a room for Immigration Service.

As you know, from your records this is only a part of the activities of your department.

Outside of the Toledo Federal building you are renting space for the following Federal activities:

Agriculture economics, second floor National Bank building, 860 square feet, \$1,960.

Weather Bureau, Nicholas Building, 597 square feet, \$1,620.

Internal Revenue, storage space, St. Clair Storage Building, 320 square feet, \$640.

Internal Revenue, office, Commerce Guardian Trust & Savings Bank, 563 square feet, \$600.

Public Health, Colton Building, 300 square feet, \$600.

Veterans' Bureau, Nasby Building, 350 square feet, \$525.

War Department recruiting station, 414 Superior Street, 540 square feet, \$960.

War Department, Valentine Building, 524 square feet, \$828.

This matter is so urgent that I most respectfully ask that you hold a conference upon this subject and let me know your decision at an early date.

Thanking you for your courtesies in the past and for your attention to this matter, I am,

Very sincerely yours,

W. W. CHALMERS.

UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF OHIO,  
Toledo, Ohio, January 21, 1927.

Hon. W. W. CHALMERS,

House of Representatives, Washington, D. C.

DEAR MR. CHALMERS: I am glad to note that you are trying to correct the wrong done us by omitting Toledo from the building program.

It is true that the postal needs are not pressing here; but those of the Government generally, especially of the Internal Revenue Bureau and of the court, are very important. I can speak in detail only of the latter.

Before I came into this position, June 30, 1910, I was a State judge, and as such held court in 10 counties in Ohio which had populations ranging from 21,000 to 45,000. Each one of these counties had in its courthouse provisions for the accommodation of court work vastly superior to those in our building.

When this building was put up in 1885 Toledo was a comparatively unimportant center for Federal court work and the deficiencies of the plan were not so noticeable. Then a jury room was provided in the attic story, a room about 20 feet square, with but one (dormer) window, about 6 feet above the floor. No near-by toilet facilities. This room was very uncomfortable—cold in winter, hot in summer, and dismal. It was long ago given up for that purpose and is now used for storage. This is the room you have in mind when you speak of a jury room.

The deficiencies of the present situation are these:

No jury room for either petit or grand juries. When the court room is in use for trial purposes petit juries occupy the crowded library, thus excluding its use for library purposes. This room is full of bookcases and is very cramped.

When I can do so, I arrange to let the grand jury use the court room. This is not always possible. When impossible, the grand jury occupies one of the three rooms in the district attorney's office, on another floor, a very cramped and inconvenient situation.

At times I have had three petit juries in action at the same time—one in the library, one in my private chambers, and one hearing a case in the court room.

Jurors not in action congregate in my anteroom. This is the only place to go, but their presence there is a great annoyance.

There is not and never was a witness room. Witnesses, when not permitted to sit in the court room—motions to exclude are frequent—occupy benches in the corridor, immediately opposite and 10 feet away from the ladies' toilet. This is the only place to put them. The indecency of the situation is obvious.

There is no room for court commissioners, and hearings are frequent. Occasionally the court room may be used, but not often. Hearings are had in the marshal's office, a room 20 feet square, across which is a counter. Prisoners, bondsmen, and witnesses elbow each other; and the improprieties which the contacts give rise to, both in commissioners' hearings and in trials, are frequent and grave.

The building was poorly constructed. Its walls have settled and cracked. Very few of the windows fit their casings. The result is a sifting of dirt and smudge, which is highly beneficial to soap makers and laundrymen, but unpleasant and extremely detrimental. The ventilation of the court room is horrible. The location is so noisy from street clatter that frequently windows must be shut in the summer when court is in session.

In the nearly 17 years I have occupied this position, the work of this division has so grown that it now exceeds that of more than half of the districts of the country. I have had some comparative statistics prepared. For the fiscal year 1911, jurors in attendance numbered 139; witnesses, 252. For the year 1925, jurors, 670; witnesses, 866. Number of cases begun fiscal year 1911, 268; for 1926, 1,025. Cases disposed of, 1911, 243; 1926, 1,304. Naturalizations, 1911, 3; for the 6 months ending December 31, 1926, 270. And the business of the court is constantly increasing.

In 1910 there was 1 deputy marshal, 2 deputy clerks, 1 assistant district attorney, with a stenographer, taking care of the court's work. Now there are 5 deputy marshals, 5 deputy clerks, 2 assistant district attorneys, and 2 stenographers. This greatly increased force is cramped into quarters which were barely adequate in 1910. Sanitary and toilet accommodations are nothing less than abominable.

It is a matter of correct observation that this situation makes the carrying on of the court's work very difficult and embarrassing. Instances abound where it has worked to the great detriment of Government interests and perversions of justice where prolonged cases of great public interest have been on hand.

Toledo, as you know, is growing very rapidly. Our work is growing with it. The population of Lucas County alone is more than four times what it was when the building was built. Real estate values are mounting so high that if the Government would seize the opportunity to buy the city property on the civic center at the present offer and would start the erection of an adequate building thereon, by the time the latter was completed, the present property could be sold for enough in all probability to pay considerably more than half of the building expense, even if there were reserved from this property enough to accommodate a postal station.

I sincerely hope that you can bring these facts to the clear understanding of the proper officials.

With personal regards,

Sincerely yours,

JOHN M. KILLITS,  
District Judge.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. CHALMERS. I will yield if I have time.

The SPEAKER. The time of the gentleman from Ohio has expired. The gentleman from Oklahoma is recognized.

Mr. McKEOWN. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BANKHEAD] five minutes.

The SPEAKER. The gentleman from Alabama is recognized for five minutes.



Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I realize that in attempting in this brief time to say anything looking toward the defeat of this bill I will probably be doing a most futile thing.

I am opposed to the passage of this bill for two reasons. In the first place, I think that the principles involved in it, if put into practice by the Post Office Department and the Treasury Department, are entirely unjust and inequitable to my congressional district, and probably to a number of other congressional districts of the same type. I represent a district that is rather sparsely populated, with small county-seat towns. The largest town in my district has only 5,000 population. Under the principles involved in this bill, if put into practical execution and carried into effect in the years to come, it would probably be 20 years before I or my successors could hope to secure a public building for the tenth congressional district of Alabama.

But, gentlemen, there is a larger reason in my opinion for opposing this proposition. It was suggested by the gentleman from West Virginia [Mr. WOODYARD].

I opposed the original Elliott bill when it was up for passage upon what I conceived to be a sound fundamental objection. I opposed it because I felt and believed and still believe that it was an indefensible surrender of the authority and power and jurisdiction of the Congress of the United States to legislate in behalf of the needs of the country; and from what I have heard has been going on within the last few days, I think it presents a rather humiliating spectacle that the Members of the Congress of the United States, holding the commissions of their great constituencies, are compelled under the provisions and principles of this bill to go hat in hand and almost barefooted before the Secretary of the Treasury and Postmaster General to seek favors at their hands upon propositions that originally belonged to the Congress of the United States, and which ought still to belong to the House of Representatives and the Senate of the United States. [Applause.]

I have great admiration for the gentleman from Texas [Mr. LANHAM], my friend, who said that having marched up the hill, we ought not to march down again. The time when we marched down the hill, Members of the House, was when we passed the Elliott bill and surrendered our prerogatives, when we ought to have voted to sustain the dignity and honor of the Congress of the United States. We should now march up the hill to an eminence where we can again say to the people, "This body is going to preserve the prerogatives bestowed by the framers and founders of the Republic, and not to surrender them for a small mess of pottage." [Applause.]

I stated in the beginning of my remarks that the effect of the passage of this bill would be to deprive my congressional district of the hope of securing any post-office buildings for a number of years. I have had pending before Congress for 10 years bills for the purchase of sites and the construction of post-office buildings at Fayette, Russellville, and Carbon Hill, in my district. These are all flourishing and progressive little cities and greatly in need of better post-office accommodations, but if the rule is applied of only giving buildings to those towns whose post-office receipts are \$20,000 per annum or more, all of these towns fall far short of that requirement. The receipts for the fiscal year ending December 31, 1926, for said towns was as follows:

Fayette	\$13, 103. 28
Russellville	12, 107. 76
Carbon Hill	10, 148. 00

By the passage of this bill you are depriving my people of an opportunity, through my efforts, to secure relief for them, and I protest against it earnestly and vigorously.

Under the system prevailing since the foundation of our Government up until last year, Congress itself exercised the right to say where new post-office buildings should be constructed, but under this bill that right is taken away from us and turned over to the Secretary of the Treasury and the Postmaster General, and under their construction no town can hope for a building whose receipts are less than \$20,000. Unfortunately for my people, it is apparent that the House intends to run roughshod over our protest, because it is apparent that you have the votes to do it. All that I can do is to enter my earnest protest and appeal to you to join me in it by voting against this bill.

Mr. ELLIOTT. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for one minute.

Mr. BLANTON. Mr. Speaker, all of us have sense enough to know that this bill is going to pass and the money is going to be spent. One who does not believe, is not posted. And inasmuch as my constituents are taxed with the other people of the United States to raise this money for post-office buildings, I

want some of such buildings to be built in my district. And since this huge sum of money is to be spent, I want a proper proportion of it spent in my district.

I would much prefer that we Members of Congress retained our prerogatives, and that we ourselves should designate the places where new buildings should be built. I do not believe in Congressmen begging on bended knees before departments asking for something that was ours already before we placed the giving in the hands of another.

And when the former buildings bill was before this House I joined my brother Members entertaining the same views I had, in voting against the bill and in trying to kill it. But our fight was in vain. The bill was passed. And the money is to be spent.

And so it will be with this bill. It will be passed. The money will be spent. And I have been assured both by Governor Bartlett and Chief Architect Wetmore that if they can be allowed this additional money provided for in this bill, cities in my district that for years have been entitled to buildings, and some of which have had sites for years, would come within their program, and I feel that I have no right to vote in a way that would deprive my district of getting its proportion of the buildings to be constructed. If there were a substitute proposition here for us to designate the places where buildings are to be built, I would vote for it. But there is but one proposition before us under this motion to suspend the rules, and that is the bill before us, just as it is written, which must be voted up or down.

Self-preservation is the first law of nature. There has been a program arranged and agreed upon by the two departments and our committee whereby post offices of certain classes are going to be taken care of and given buildings. I am assured that certain cities in my district are going to come within that program and I am going to get what is coming to my district. Therefore I am going to vote for the bill. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. McKEOWN. Mr. Speaker, may I inquire how the time stands?

The SPEAKER. The gentleman from Oklahoma has 6 minutes remaining and the gentleman from Indiana has 11 minutes remaining.

Mr. McKEOWN. Mr. Speaker, I yield myself the remaining six minutes. [Applause.]

Mr. Speaker and gentlemen of the House, if you will just vote like you clap your hands, I will take my seat and not say a word. [Laughter.]

Now, I want to say this to you men, who anticipate you are going to receive some large sums of money in your districts out of this additional \$100,000,000, that you will receive the magnificent sum of \$872,000, which is left to go to the country out of the \$100,000,000. You will get \$872,000, according to the report itself, and I will give you the figures. Here is what you have: You have 179 cities with \$167,850,500; you have for marine barracks and for hospitals, \$12,000,000; you have for immigration stations \$1,100,000; you have for the Treasury Department buildings, not including any postal facilities, \$9,100,000; for the two buildings to the State program you have \$8,477,500. You already have allocated a total of \$199,128,000, and that leaves \$872,000 to satisfy the whole country. Do you want it and do you think it is fair to this country?

Now, let us see what kind of an attitude we are in here. I am going to say this to you men in all earnestness and sincerity, if I do not defeat this bill you can give me credit for getting more postoffices for you than anybody who has been here for a long time. They have traded with you ever since I took up this fight and you know they have.

Now, gentleman, you say you believe in this kind of a program; that you believe in surrendering your authority. I will tell you what you ought to do, and I will leave it to your judgment whether it is fair and whether it is the kind of offer you would like to have had sustained.

I offered to make up a list of places and leave out the amounts, so they could not charge us with loading it down, leaving the amount of the appropriations to be placed in the department, but rather than do that they went out and logrolled from last Thursday morning down until 12 o'clock to-day. They logrolled this building proposition. What is wrong with you men? Are you men going to throw away your rights as American Congressmen? I appeal to you men who sit in this Hall, where sat men like Abraham Lincoln, Garfield, James G. Blaine, Joseph G. Cannon, Dan Voorhees, David B. Hill, and Champ Clark. And I want to say to you that when Joseph G. Cannon was czar of this House Congressmen had some standing; they did not have to carry their hats in their hands when they went down to any of the departments. But what is happening now?

During Mr. Wilson's administration during the war these departments learned that under war pressure they could force Congress to turn over to them unlimited power, and Congress did turn it over to them. Now they do not want to turn it back to us but they want to hold onto that power. Are you in favor of that? If you are, vote for this bill. If you are not in favor of it, then vote this bill down and give us a chance to bring in here an honest, fair bill, a bill that will do something for the country, a bill which will uphold the dignity of you men, you men who are sent here to secure the most for your districts and the country. Why, you men will be in fine shape when you vote for this \$100,000,000 and \$25,000,000 for the District of Columbia when you go back home. You will be in fine shape when you go back to your small cities and say you were willing to vote out of the Treasury of the United States \$75,000,000 for the District of Columbia and \$200,000,000 to the great cities of the United States but such a little amount for the smaller cities over the country. Why, gentlemen, there are five States in this Union that get \$100,000,000. If you are in favor of that, vote for the bill. [Applause.]

A newspaper in Indiana took to task Congressmen GARDNER, CANFIELD, and ROWBOTTOM because they were standing for some relief for the cities in their own districts. No finer, more able, or conscientious men ever championed the rights of the people of Indiana.

The same paper referred to my efforts as a "pork-barrel" movement. If the editor could have witnessed the pork distribution by the bureaus he would understand what the term means. I am for the rule of the people as against the rule of bureaucracy. You have heard of the "reign of the demagogue," but to-day it is the "reign of the bureau."

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. ELLIOTT. Mr. Speaker— [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield before beginning his remarks?

Mr. ELLIOTT. Yes.

Mr. GARRETT of Tennessee. I just want to ask the gentleman, in view of what is stated in the report as read by the gentleman from Mississippi concerning Rushville, Ind., whether the gentleman does not think there is another distinguished statesman who is entitled to rise to a question of personal privilege; not in this body, perhaps, but in another body?

Mr. ELLIOTT. I may say, for the benefit of the gentleman from Tennessee, that Rushville, Ind., is one of the prettiest cities in the United States. [Applause.]

Mr. BARKLEY. Does the gentleman mean one of the prettiest little cities or the littiest pretty city?

Mr. ELLIOTT. I hope the gentleman will wait a moment. It has perhaps the most cultured people to be found anywhere in the country within its confines; but I wish to advise the House at this time that I do not live in this beautiful city—never did—and the Postmaster General never lived there. If they want to build a post office in the city of Rushville, that city is just as much entitled to it as any other city in the United States; and if they want to "kid" me a little because they put this little remark in the building report, all right; but Rushville can take care of itself and is entitled to consideration on account of the fact that it is a progressive and prosperous city. I want to call your attention now to what this bill does.

There are two propositions involved in the bill. The first authorizes the condemnation or purchase of the triangle down on the Avenue in order to get the land whereon we can place the Government buildings that were authorized in the act of May 26, 1926. Large numbers of the Members of this House have come to me from time to time insisting that we do something to clean up Pennsylvania Avenue and get rid of these old hop joints and eyesores down on that historic street. When the Congress said this was the place where they wanted the public buildings built, then we proceeded to bring in a bill which would authorize the condemnation or purchase of the land and the acquiring of it all at once, so that as we constructed these valuable buildings down there we would not be increasing the value of adjacent land and thereafter paying for such increase as was put there through the expenditure of Government money. I think you all understand what that portion of the bill amounts to, and I will turn my attention to the next proposition involved.

Mr. TAYLOR of Tennessee. Will the gentleman yield for a question?

Mr. ELLIOTT. Yes.

Mr. TAYLOR of Tennessee. I understood the gentleman from Oklahoma [Mr. McKeown] to say that under this bill there would be only about \$800,000 to be applied throughout the country that has not already been committed. Is there anything in this bill that will prevent the Secretary of the

Treasury or the Postmaster General from having the same latitude in allocating this money as was the case originally?

Mr. ELLIOTT. I was just coming to that point. The amendment of the Senate bill adds to it the Reed bill. Now what does the Reed bill do?

The Elliott law, as it is sometimes called, authorized an appropriation for public buildings in this country of \$165,000,000; \$15,000,000 to clean up the old omnibus bill that will be 14 years old on the 4th day of March next; \$50,000,000 for the Government buildings in the District of Columbia and the other \$100,000,000 to be spent for post offices and other Federal buildings, outside the District of Columbia. This was to be expended at the rate of \$25,000,000 annually, \$5,000,000 of it for three years to carry out the old program, \$10,000,000 of it annually to construct the Government buildings in the District of Columbia, and the other \$10,000,000 annually to be expended outside.

The Reed bill adds another \$100,000,000 to the authorization, making it \$265,000,000, and it amends that part of the law which says that only \$25,000,000 can be used annually, and makes the amount \$35,000,000. This is all the Reed bill does except that under the old law if they failed to use the \$25,000,000 or any part of it each year they could not use any more than \$25,000,000 the following year. We have amended the law so that the annual authorizations are available until it is used; or in other words, if this year they fail to use all of the \$25,000,000, whatever sum remaining can be added to the annual amount and expended during the next year.

Mr. TAYLOR of Tennessee. Then all of this \$100,000,000 could be applied to new projects entirely throughout the country?

Mr. ELLIOTT. The gentleman is quite correct.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. ELLIOTT. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I understand a very important provision of the existing law is preserved and will control the handling of this appropriation. The provision, I think, was put in the bill in the Senate at the instance of Senator SWANSON of Virginia, and it provides that the Secretary shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts.

Mr. ELLIOTT. The gentleman is entirely correct.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. WILLIAMSON. My understanding is that the chairman of the Public Buildings and Grounds Committee has definite assurances from the Secretary of the Treasury and the Postmaster General that the post-office buildings provided for in the 1913 act are not to be included as within the proviso in section 4 of the act of May 25, 1926, providing for the construction of at least two buildings in each State; is that correct?

Mr. ELLIOTT. That is correct.

Mr. McCLINTIC and Mr. ALLGOOD rose.

Mr. ELLIOTT. I yield first to the gentleman from Oklahoma.

Mr. McCLINTIC. By adding \$100,000,000 to this bill, does that give towns where sites have been purchased, say 10 years ago, a better opportunity to get a new building?

Mr. ELLIOTT. This bill gives every kind of town a better opportunity to get a building than it has under existing law.

Mr. McCLINTIC. But no preference will be given to those towns that have had sites for many years?

Mr. ELLIOTT. This \$100,000,000 is not parceled out in this bill to any particular places.

Mr. McCLINTIC. Then a town that has a site does not have any preferential status over any other town?

Mr. ELLIOTT. Not so far as this bill is concerned; but the fact it has a site would give it a preferential standing because the Government has already an investment at that point.

Mr. ALLGOOD. I would like to know why the committee did not take care of the towns that have sites and have had them since 1913.

Mr. ELLIOTT. The committee had as much as it could do to handle this proposition as they did.

Mr. ALLGOOD. There is a surplus in the Treasury.

Mr. BARKLEY. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. BARKLEY. I supported the Elliott bill in the last Congress because I felt that was the best way to secure public buildings. In my district there is a State normal college, having a thousand or twelve hundred pupils, where the Govern-



ment has owned a site for 12 or 14 years, yet it is not even mentioned in this report. Can the gentleman give any assurance, if this extra \$100,000,000 is authorized, that cities in that situation will have any chance of securing a public building?

Mr. ELLIOTT. This \$100,000,000 is put in the bill for the purpose of building as many buildings as we can, wherever we can, throughout the country.

I want to call the attention of the House to one other proposition.

In order to bring in an omnibus bill that would satisfy this House and get enough votes to pass it, you would have to put in enough buildings to cost \$350,000,000. If you brought in one to take care of all the places that have been asked for it would take \$500,000,000.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. CARTER of Oklahoma. The gentleman did not make quite clear to me with reference to what the gentleman from Oklahoma stated about \$800,000 of the \$100,000,000 being available for new places. Is that true?

Mr. ELLIOTT. This amendment does not allocate one cent of money to any place.

Mr. DENISON. I would like to know the facts about this report that has been published.

Mr. ELLIOTT. There are a lot of things in the report that will necessarily have to be ironed out from time to time.

There are a lot of places in the country that have not been brought into the report that have just as much merit and are entitled to consideration. All I am trying to do, however, is to get a bill passed that will get this log jam started. And mind you, anything you do or any method will not enable us to satisfy everybody that wants a public building in his district.

Mr. DENISON. Can the chairman of the committee state to the House that the department is not necessarily committed to the projects and amounts specified in the report?

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that all Members who desire may have five legislative days to extend their remarks on the bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent that all Members may have five legislative days to extend their remarks on this bill. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. I am glad to be able to vote for this bill notwithstanding that it is not in the shape in which I wish it had been framed. Instead of \$265,000,000 as an authorization, I think that the sum should have been fixed at not less than five hundred million. If I had my way not a single cent would be spent in Washington, nor would any authorization have been made for such a purpose until a complete survey had been made of the available space in Government-owned and operated buildings that are found all over the Capital. Anyone can go down to any of the big buildings and find bureau chiefs and their aides occupying whole suites of offices, lolling in luxurious surroundings, the greater part of which could be devoted to the pretended needs for additional space.

New sites, fat building contracts all make for about as iniquitous a pork-barrel system as ever was devised, though the barrel rolls in and around Washington only. Pretty fine stuff for the big rich of the Capital, who are getting away with the bacon and paying about one-half the tax rates that less fortunate property owners in other municipalities have to pay for the support and maintenance in their cities. The hired yelpers for the greater glory of Washington and the pot boilers pretend that whenever an expenditure is authorized for the Capital that it is a niggardly recognition of a great national demand. Perhaps it is true that Washington should be given "the coat of many colors," but I can not see it. It is all right to cultivate an American beauty, but it is done at the expense of many other roses, for they are pruned from the bush in order that its full strength may be driven into the American beauty. There is too much centralization not of authority only but of public buildings in Washington. As a consequence millions of dollars are spent for railroad expenses and hotel expenses for governmental agents, auditors, and heaven knows what, who travel from coast to coast making investigations, adjustments, settlements, and reports. The vast amounts appropriated for such purposes could undoubtedly be used more efficiently and economically by locating professional adjusters permanently throughout the country at or in key positions. Decentralization to as great an extent as possible in the transaction of public business would make for a stronger, more efficient, and more tolerable Government than a system of centralization which makes for the greasing of a well-fed hog's snout,

to use a homely expression. But even with these defects I am for the bill and have spoken in its support to other Members of Congress since it was first suggested. I know that outside of Washington there is a crying demand for necessary public buildings. Anyone can find out at a glance by ascertaining the age of those public buildings the amount contributed by those communities to the support of the National Government and the additional fact that all building operations outside of Washington particularly have been confined since the termination of the war to meeting housing accommodations demanded by the millions of families throughout the length and breadth of the land. All public buildings have been lamentably ignored, not only from the standpoint of the new ones required but the old ones that needed repair. The extreme of economy is the extreme of extravagance and a stitch in time oftentimes saves nine are adages that no thrifty or economic people have long ignored.

I am for the bill for another reason which I will submit, not pessimistically, but merely because it is a thought that might bear some fruit. For some mysterious reason, though in all probability the result of the operation of an unknown law depression does come in cycles to every country. Sometime these depressions work out along the lines of compensation. That is prosperity may be abundant in one place and adversity hold gloomy sway over another place. There are instances however where hard times, as they are called, have temporarily leveled the whole civilized world at once. Of course, it is difficult for the average common-sense man to understand why people should starve in the place of plenty and fatten when scarcity prevails, and they are not entirely satisfied with solemn and plaudits references to the law of supply and demand by ponderously dignified, and sage-looking philosophers, financial wizards, and literateurs. While we have not been able to solve the problem, however, we do know that we ought to wisely, reasonably, and profitably provide against such depressions by public improvements such as necessary buildings of a public nature, roads, and other necessities of individual and national existence and be able to take up the slack in times of adversity by giving our toilers and wage earners an opportunity to avail themselves of the chance afforded by these public works.

I need not repeat that this not only makes for proper accommodations for the official life of the country but provides employment for and thereby maintains the purchasing power of an enormous number of people who contribute to the national welfare by their family expenditures. Some time since, before the Committee on Agriculture, a well-known representative of the American Federation of Labor, Mr. Wallace, stated that more than half of the textile workers of New England were idle and this caused lack of employment in other directions; that more than one-half of the miners of the country were in a large measure suffering from lack of employment and that none of them made full time; and that those engaged in the buildings trade were beginning to see in the distance and rapidly approaching the day when they would be threatened with a lack of employment. I favor the building of good roads and good public buildings properly located not only because they are instrumentalities of a fine civilization and promotive of its best ends but because the opportunities afforded through them in hard and poor times to take up the slack makes for stabilization.

I hope that at the next session we have another authorization that will meet the requirements of a situation which presses for solution.

Mr. McCLINTIC. Mr. Speaker, when the Democrats were in power, the individual Members of Congress had a right to designate the names of cities and towns where public buildings were to be constructed. The only fair way to distribute public funds to be used for this purpose, is to allow the Representatives, selected by the people, to have sufficient jurisdiction to designate the places where money is to be expended. Unfortunately for the Nation, there has grown up in the various departments of our Government an autocratic desire to have jurisdiction over every subject, without taking into consideration the wishes of those who constitute the membership of the House and Senate. Such power enables a few politicians to dictate the policy of the Government with respect to the entire Nation, and the passage of this public building bill is a fine example of how the individual Members of Congress have lost their right to have a voice in such matters.

The so-called Elliott bill appropriates for public buildings \$165,000,000. Of this sum \$50,000,000 is to be expended in the District of Columbia; \$100,000,000 is to be used for the construction of post offices and other Federal buildings outside of the District of Columbia, at the rate of \$25,000,000 annually; and the balance to be used in taking care of an old, unfinished program. In addition to this sum, there was added to the bill \$100,000,000, to be expended in the construction of such

buildings and at such places as have already been designated by the Treasury Department in a recent survey.

According to the figures presented in the debate, all of this extra \$100,000,000 has been allocated, with the exception of \$872,000; therefore, no Member of Congress can foretell, with any degree of certainty, as to whether any new buildings will be included in an additional survey. I am of the opinion that this additional \$100,000,000 will be used to further the political aims of the party in power and it is to be regretted that politics has entered into a distribution of these funds in such a way as to cause certain sections of the Nation to be discriminated against.

An effort was made to amend this legislation, so that the cities and towns, where sites had been purchased in the past, could receive a sufficient appropriation to start the construction on the much needed buildings. In order to be successful it would have been necessary to vote down the pending bill, so that it would be in order to substitute this amendment. However, only 83 Members, including myself, favored this plan.

In the State of Oklahoma, Senators HARRELD and PINE and Congressman MONTGOMERY, all Republicans, received an allocation of these funds in the survey that has been made the administration's program. Practically every Republican district in the Northern States will be a beneficiary when this money is expended and all we southern Democrats can do is to file our protests by voting against such measures, hoping that the time will come when we can have a sufficient amount of power to change the present plan, so that Members of Congress can have a right to present facts and figures in support of cities and towns that are eligible to receive appropriations for the construction of public buildings and thereby allowing the districts to be properly represented and taken care of.

The Government now owns sites in many cities, which have been purchased for more than 15 years; yet according to the answer given me by Chairman ELLIOTT when this bill was up for consideration, such cities and towns do not have a preferential status. As I view the entire situation, the surrendering of the power of Congress to a couple of Cabinet members, who, of course, play the finest politics in selecting cities and towns where such appropriations are to be expended, is the surrendering of power that should not be countenanced by the American people.

Mr. PRALL. Mr. Speaker, this afternoon we are called upon to consider a bill involving the expenditure of more than \$200,000,000 for sites and public buildings in the District of Columbia and in various communities throughout the Nation. The time allowed for debate upon this huge proposal is but one hour, 30 minutes being allotted each side.

That feature of the bill with which I am concerned, namely, the public-building program of the Nation in which provision is made for sites and Federal buildings in which to house the Post Offices, Federal courts, Internal Revenue, and other Federal departments, has not been presented as a separate bill, but has been added as an amendment to a bill providing for the acquisition of sites and buildings in the District of Columbia and known as Senate bill 4663.

With the provisions of Senate bill 4663 I am in hearty accord. I would gladly vote for this bill, which not only provides proper housing for the executive and other departments of the Government, but which will also add to the beautification and attractiveness of the District of Columbia. Were it in my power, Mr. Speaker, I would gladly vote to make Washington the model city of the world.

Therefore, Mr. Speaker, I desire it to be clearly understood that my opposition to the measure does not lie in the bill itself, providing this fine building program for Washington, but to the method of selecting sites in other communities as provided in the amendment.

I fully realize and appreciate the duties of my office. While elected in a particular district by a small proportion of the voters of the Nation, once elected I am a Representative not alone of the particular district wherein I was chosen but of all the electorate of the country. Since my election to the Sixty-eighth Congress I have not only endeavored to represent my home constituency but have made the effort to consider in a broad way all questions which have arisen and concern the welfare of the people of the Nation.

Nor am I in the slightest degree at odds with my colleagues in this House whose communities have received favorable mention in the recommendations made in connection with this bill by the joint subcommittee of the Treasury and Post Office Departments. And I do not question for a moment the good intentions of that committee.

Under the rules of the House the bill can not be amended. Opportunity for any Member to present the claims of his com-

munity for consideration is denied. We must take it as is, or leave it. Our hopes lie in the future.

The increased appropriation included may warrant consideration of other communities by the subcommittee at a later date. We must, however, look forward to the acquisition of sites and the erection of Federal buildings in accordance with the recommendation of this subcommittee made under the direction of the Secretary of the Treasury and the Postmaster General in pursuance of their duties under the public buildings act of 1926, and which is now informally presented to us for our information only.

Authority for the selection and recommendation of sites and buildings prior to the enactment of the public buildings act of 1926 was vested in the Committee on Public Buildings and Grounds of this House, and before a bill of this character was offered in the House, opportunity to be heard by the committee would have been accorded the Members. This privilege under the rules we are denied this afternoon.

I have carefully examined the survey made by the Subcommittee of the Treasury and Post Office Departments, and the recommendations made by that committee discloses the fact that Staten Island, N. Y., has not been included in the recommendations presented, despite the fact that, with few exceptions, its population, volume of business, and revenue from post-office receipts is far greater than any city included in the recommendations for new Federal buildings where there are no Federal buildings at the present time.

Among the recommendations for new Federal buildings I find the following 24 cities whose aggregate population does not equal that of Staten Island:

Scotts Bluff, Nebr.	11,000
Princeton, W. Va.	9,300
Stikeston, Mo.	8,750
Marshfield, Wis.	8,500
Corvallis, Oreg.	8,300
Dodge City, Kans.	7,100
Mansfield, La.	7,000
Rushville, Mo.	6,500
Hartsville, S. C.	6,500
Buena Vista, Va.	6,260
Canton, Ga.	6,000
Harlan, Ky.	5,500
Auburn, Ind.	5,200
Huntsville, Tex.	5,200
Lenoir, N. C.	5,000
Bellows Falls, Vt.	4,860
Bellows Falls, Vt. (in 1910)	4,883
Westminster, Md.	4,750
Union Springs, Ala.	4,125
Vermilion, S. Dak.	2,590
Hanover, N. H.	2,500
Kosciusko, Miss.	2,258
Lumberton, Miss. (in 1920)	2,192
Lumberton, Miss. (in 1910)	2,112
Pembina, N. Dak.	802
Georgetown, Del.	710

I trust, Mr. Speaker, the Members of the House will understand that I am not actuated by any selfish motive by my reference to Staten Island. I refer to Staten Island because I know the great need of a Federal building there.

My attention is drawn to it by the glaring differences in the population and the post-office receipts of the several communities recommended for new public buildings where none exist now and the population and post-office receipts of Staten Island, which has no Federal building at the present time.

I am prompted to make this presentation because the necessity for a Federal building on Staten Island is further emphasized by reason that its present population, estimated at 135,000, is compelled to traverse many miles by rail, bus, trolley, steamboat, and subway transits from their homes or places of business on Staten Island to the Borough of Brooklyn across the waters of New York Bay in order to transact Internal Revenue business, attend the Federal court, or matters in bankruptcy.

That this subcommittee was confronted with a tremendous task I do not question, but, Mr. Speaker, a further examination discloses that there are some cities without Federal buildings whose post-office receipts range from \$10,000 to \$900,000 per annum.

These cities are set up in groups and tabulated from the highest to the lowest. The first, or highest, group contains the names of only four cities with post-office receipts of over \$400,000 per annum. There are only four cities in that group. Immediately following that group is the second group, with receipts of from two hundred to four hundred thousand dollars per annum, and the third name in that group is Staten Island, N. Y. Its receipts, I believe, are in excess of \$317,000.

In the list of cities recommended in the report I do not believe there is one single city with a population or with post-office receipts as great as Staten Island. In fact, they do not even approach them.



While on the subject, may I add that Staten Island covers an area of approximately 57 square miles and as a borough of New York City enjoys the benefits of a modern city in its administration? It has within its boundaries many large and prosperous manufacturing plants, employing thousands of its citizens. It is enjoying a tremendous growth at present, which will be enormously increased by the building of bridges connecting it at three different points with South Amboy, Elizabeth, and Bayonne City, N. J., and the building of a subway connecting it with the other great boroughs of the city of New York. It is difficult for the Post Office Department to keep pace with its present growth. In fact, it has not been able to do so. What, may I ask, can we expect three years from to-day?

The present post office is located on the second floor of a leased building, tenanted on the first floor by stores, and is accessible only by a flight of stairs.

Upon the expiration of the present lease, if a new one is negotiated it will be at a very largely increased rental, if suitable and adequate accommodations are to be provided, and will prove more costly than the erection of a new structure.

May I also remind you that a Government-owned site (land owned by the Department of Commerce) is located directly across the street from the Borough Hall, well within the civic center—it would not be necessary, therefore, to purchase a new site.

Mr. Speaker and gentlemen of the House, I again reiterate that in my advocacy of a new Federal building for Staten Island I am not prompted by selfish designs. In my opinion there is no community more entitled to consideration. Civic leaders and organizations have for years made the effort to secure a Federal building for this community, and may I suggest that, perhaps, what appears selfish in this presentation is really an appreciation of their efforts.

Although I am keenly disappointed in this bill, if passed it will not deter me in the least in my efforts to have included in future recommendations a Federal building for Staten Island.

Mr. ESLICK. Mr. Speaker, this bill is for the authorization of \$25,000,000 to purchase the plot of land on the west side of Pennsylvania Avenue known as the triangle, and upon which is to be constructed buildings to be used by the Government in taking care of its departments and governmental activities. It also is in supplement to the general buildings and grounds bill approved May 25, 1926, known as the Elliott bill, H. R. 6559. It provides an additional \$100,000,000 to the authorization of the Elliott bill or makes provision for \$200,000,000 to be used in the new public building program outside of the District of Columbia.

This new building program is a complete change in the plan and system of construction of public buildings throughout the country. Under the act of May, 1926, it is provided that the Secretary of the Treasury shall select the places and sites for public buildings except for post-office uses, and in that case the Secretary of the Treasury shall act jointly with the Postmaster General in selecting places and sites for post-office buildings and buildings to be used in part for post offices. It deprives Congress of its rights and powers to select places and sites and to designate the amount to be expended upon each project. It takes from Congress its legislative power and delegates it to one Cabinet officer, the head of one executive department—a delegation of power that is wrong in policy and vicious in principle. It is a delegation of power from the chosen representatives of the people, and who are accountable to the people, to one man responsible only to the President of the United States.

In the consideration of the Elliott bill in the first session of the Sixty-ninth Congress, I pointed out that if this bill became a law it would be so administered that a few of the metropolitan cities in five States of the Union would receive more than half of the amount authorized by that bill. In the discussion of this measure I pointed out that the cities of San Francisco, Los Angeles, Chicago, Boston, New York, Albany, Pittsburgh, and Philadelphia would get \$52,650,000 of the \$100,000,000 for the country at large; that this was a bill to be administered by big city men in a big building campaign for big cities. It became a law.

On January 15, 1927, the Secretary of the Treasury and the Postmaster General, Mr. Mellon, of Pittsburgh, Pa., and Mr. New, of Indianapolis, Ind., submitted a report of the minimum needs for public buildings of the country, and a tentative survey of the projects that should receive immediate attention under the new building program. I desire to incorporate in and as a part of my remarks the tables taken from the first page of this report, which shows by States the minimum amount needed to be used in this building campaign. Column 1 shows the smallest amount needed to construct new Federal buildings

and to add to old Federal buildings in the cities now having Federal buildings. The second column shows the smallest amount to be used in constructing two new buildings in each State made mandatory by the Elliott bill through an amendment in the Senate, and the third column shows the total amount required by each State, as follows:

State	Minimum needs of Federal building cities	Minimum requirements of the act	Total
Alabama.....	\$1,245,000	\$170,000	\$1,415,000
Arizona.....	811,000	725,000	1,536,000
Arkansas.....	1,025,000	540,000	1,565,000
California.....	10,160,000		10,160,000
Colorado.....	1,911,000	275,000	2,186,000
Connecticut.....	3,840,000		3,840,000
Delaware.....		125,000	125,000
Florida.....	4,720,000	1,000,000	5,720,000
Georgia.....	1,315,000	50,000	1,365,000
Idaho.....	445,000		445,000
Illinois.....	16,600,000		16,600,000
Indiana.....	3,695,000	385,000	4,080,000
Iowa.....	1,041,500	210,000	1,251,500
Kansas.....	1,229,000	195,000	1,424,000
Kentucky.....	460,000	80,000	540,000
Louisiana.....	250,000	132,500	382,500
Maine.....	1,095,000		1,095,000
Maryland.....	2,305,000	190,000	2,490,000
Massachusetts.....	15,215,000		15,215,000
Michigan.....	2,975,000	120,000	3,095,000
Minnesota.....	3,150,000	170,000	3,320,000
Mississippi.....	750,000	120,000	870,000
Missouri.....	3,795,000	145,000	3,940,000
Montana.....	615,000	745,000	1,360,000
Nebraska.....	35,000	105,000	140,000
Nevada.....	350,000		350,000
New Hampshire.....	635,000	215,000	850,000
New Jersey.....	2,850,000		2,850,000
New Mexico.....	935,000	95,000	1,030,000
New York.....	39,040,000		39,040,000
North Carolina.....	1,665,000	75,000	1,740,000
North Dakota.....	375,000	85,000	460,000
Ohio.....	2,688,000		2,688,000
Oklahoma.....	600,000	620,000	1,220,000
Oregon.....	360,000	315,000	675,000
Pennsylvania.....	20,547,000		20,547,000
Rhode Island.....	1,515,000	210,000	1,725,000
South Carolina.....	415,000	60,000	475,000
South Dakota.....	275,000	65,000	340,000
Tennessee.....	631,000	85,000	716,000
Texas.....	5,399,000	225,000	5,624,000
Utah.....	1,125,000	190,000	1,315,000
Vermont.....	385,000	235,000	620,000
Virginia.....	3,255,000	130,000	3,385,000
Washington.....		195,000	195,000
West Virginia.....	1,055,000	95,000	1,150,000
Wisconsin.....	4,573,000	100,000	4,673,000
Wyoming.....	500,000		500,000
Total.....	167,850,500	\$8,477,500	176,328,000

This report shows that it will take \$167,850,000 to meet the requirements of the cities in the several States, other than in the District of Columbia, that now have Federal buildings. It further shows that it will take \$8,477,500 to construct new buildings, or two new buildings in each State, as provided by the Elliott Act, making a total expenditure of \$176,328,000. This survey further shows the need of other classes of public buildings throughout the country that will take practically the \$200,000,000 for immediate construction or during the five-year life of this new building program. If the \$100,000,000 sought to be authorized by the present bill for construction throughout the country becomes a law, making \$200,000,000 available, none of this will be left for the construction of additional new buildings while this program is being administered, and the other cities and towns throughout the Nation without public buildings must either await the completion of this five-year plan or additional funds must be appropriated by Congress in the future.

This survey also shows another interesting fact. The \$200,000,000 will have been expended on projects in 237 cities and towns of the country. It shows that the States I suggested would receive \$52,650,000—the States of California, Illinois, Massachusetts, New York, and Pennsylvania have 66 projects—and that to meet this estimated building demand it will take \$101,572,000, or \$11,500,000 more than the amount authorized under the Elliott bill.

This survey of the public-buildings program does not contemplate the construction of post-office buildings in cities or towns having a revenue of less than \$20,000 per year. On page 2 of this report or survey it is shown there are 2,311 cities and towns having postal revenues of from \$10,000 to \$1,000,000 a year, and it will take \$170,420,000 to construct necessary buildings. I quote this group of classifications, ranging from \$10,000 to \$1,000,000 per year, taken from this report, as follows:

Groups	Number	Amount	Total
Over \$400,000.....	4	\$1,000,000	\$4,000,000
\$200,000 to \$400,000.....	11	750,000	8,250,000
\$100,000 to \$200,000.....	19	350,000	6,650,000
\$90,000 to \$100,000.....	9	300,000	2,700,000
\$80,000 to \$90,000.....	11	200,000	2,200,000
\$70,000 to \$80,000.....	22	175,000	3,850,000
\$60,000 to \$70,000.....	21	150,000	3,150,000
\$50,000 to \$60,000.....	48	125,000	6,000,000
\$40,000 to \$50,000.....	88	110,000	9,680,000
\$30,000 to \$40,000.....	153	100,000	15,300,000
\$20,000 to \$30,000.....	413	80,000	33,040,000
\$10,000 to \$20,000.....	1,512	50,000	75,600,000
Total.....	2,311		170,420,000

There are 2,370 cities and towns in the United States having revenues of from \$10,000 to \$900,000 a year that have no post-office buildings at all. I give this classification, taken from page 5 of this report, as follows:

The following statement shows the number of post offices, by classes, which are without Federal buildings at the present time:

Offices	Postal receipts	Offices	Postal receipts
39	\$100,000-\$900,000	96	\$40,000-\$50,000
11	90,000-100,000	159	30,000-40,000
11	80,000-90,000	445	20,000-30,000
23	70,000-80,000	1,512	10,000-20,000
24	60,000-70,000		
50	50,000-60,000	2,370	

NOTE.—All offices selected for public buildings should be deducted from this list.

So it will be seen that there are more than 2,300 places in the United States where there are no post-office buildings and where the annual revenues range from \$10,000 to \$900,000 a year. Of course, there are a larger number of the smaller places—1,512 cities and towns having from \$10,000 to \$20,000 revenue per year; 445 having from \$20,000 to \$30,000 per year.

It is said that this building campaign is for the benefit of the Nation and all of the people of the Nation; that the larger cities should first be taken care of. I do not complain of taking care of the cities, but this ought not to be done to the exclusion of the country towns and the smaller cities. Some of the States have few, if any, large cities. Many congressional districts are agricultural, with small country towns and no cities. The rule of equity and justice should obtain in this building campaign. The amount that it would take to build one of the great city projects would build from 50 to 200 of the post-office buildings required in the country towns of the South and the West.

I appreciate that legislation should be for the benefit of all the people, but it should not be mainly for the benefit of one class of our population—those living in the large cities—and to the exclusion, hurt, and injury of smaller communities. We are all citizens and taxpayers and entitled to fair dealing in the building campaign as well as in all legislation affecting the people of the Nation.

As to how this building program will affect my State—Tennessee—it is apparent that other than the buildings made mandatory by the act—that is, two new buildings in the State—Tennessee can expect but little during this administration and the expenditure of the \$200,000,000 for the country at large authorized under this act. Tennessee has 25 towns and cities where the postal receipts of the calendar year ending December 31, 1925, exceeded \$20,000. Of these, 23 have public buildings. According to the survey made, she will get \$631,000 for places already having Federal buildings and \$85,000 for new buildings, making a total of \$716,000.

From the Government publication, List of First and Second Class Post Offices, as of July 1, 1926, and the Revenues of Each, I herewith submit a list of the towns and cities in Tennessee having a revenue of more than \$10,000 annually:

Athens.....	\$17,380	McKenzie.....	\$11,782
Brownsville.....	70,377	McMinnville.....	18,075
Cookeville.....	16,191	Milan.....	10,856
Dayton.....	10,625	Mount Pleasant.....	10,537
Dickson.....	15,192	Newport.....	15,346
Elizabethton.....	12,389	Ripley.....	12,653
Erwin.....	17,727	Rockwood.....	15,217
Etowah.....	12,295	Sevierville.....	10,149
Franklin.....	19,422	South Pittsburg.....	14,411
Kingsport.....	41,082	Sparta.....	11,488
Lawrenceburg.....	16,952	Sweetwater.....	12,588
Lenoir City.....	12,405	Trenton.....	14,604
Lewisburg.....	12,217	Tullahoma.....	22,962

Embraced in this list are the towns of Franklin and Tullahoma, shown to be without Federal buildings, but as a matter

of fact Federal buildings recently have been constructed in these towns. The construction of the buildings in Franklin and Tullahoma were not made under the authorization of 1926, but under the act of 1913, which was in fact the last general public buildings act until the passage of the Elliott Act by the first session of the Sixty-ninth Congress. Under the provisions of the Elliott Act, and as recommended in the report I have quoted from, Athens gets a new building and Kingsport a new building.

The post office at Athens, Tenn., was authorized by the act of 1913, and should not have been charged up to the State's account as one of the two new buildings provided for in the act of 1926, and I understand the department has reconsidered its construction of the new law, and will designate another place in Tennessee, and will not charge up the Athens project as one of the two building places in Tennessee as designated by the present building program. Four places in Tennessee, having Federal buildings, will get extensions of and additions to the present buildings. These places recommended for consideration are Johnson City, Cleveland, Paris, and Jackson.

Tennessee need expect no other new buildings under the program. The policy is to construct buildings according to the revenues derived from the offices. Of course, there will be rare exceptions, and that is where political influence comes in genuine "log rolling," and even in a worse form than the old-fashioned "pork barrel." We who supported the old system that Congress retain its power and designate the places and fix the amounts to be expended on each project were chided with representing the "pork-barrel" system. I do not think that any two bills ever passed a Congress with more "log-rolling" promises and genuine "pork barrel" wedged into them than the two measures passed by this session of Congress—the rivers and harbors bill and the amendatory act to the public buildings bill.

In the report of the subcommittee for the Treasury Department and the Post Office Department, as to where old buildings should be repaired or new ones replace them, and where new buildings should be constructed, I read a strong statement on page 33 in behalf of Rushville, Ind., situated in the sixth district of Indiana, the district so ably represented by the chairman of the Public Buildings and Grounds Committee, the gentleman who has protested so seriously against "pork-barrel" legislation, and who does not believe in making a political asset out of public buildings:

Rushville is one of the larger offices without a Federal building. This city should also have serious consideration for a Federal building, in view of the services rendered the country by Representative ELLIOTT, author of the public buildings bill.

Of course, there is no pork in this! No personal or political favor will be shown under this perfect plan! No, sir, it is simply adhering to the old injunction, "Thou shalt not muzzle the ox that treadeth out the grain!"

I believe firmly that the principle underlying this bill is wrong. The policy in the administration of the law is wrong. It is being administered in behalf of the metropolitan cities and congested centers to the exclusion of the country at large, and the smaller places badly needing relief. Congress should legislate for the country at large, but, as I view it, every man owes his first allegiance to the constituency that honors him, provided it does no injury to others. The district I have the honor to represent, the Seventh District of Tennessee, is a rural district composed of 11 counties. There are only three public buildings in my district. Eight counties are without public buildings. There are several places in my district without public buildings, urgently in need of them. Three of these places have above \$10,000 revenues annually—two of them have more than \$15,000 a year. The post offices in these towns are located in little buildings, all of them having a large number of carriers; both city and rural mails are sent from them. In certain seasons of the year there is not sufficient space for the mails to be deposited within the buildings, and especially parcel post. The heaviest mail is put out in the open and covered so as to protect it from the weather. The buildings are without proper ventilation, without sufficient heat and light, and are so congested as to endanger the health of the employees.

Another town in my district, Columbia, has a post office building, and the Federal court meets there. There is no space in this building to hold court, and outside quarters are used. Another story on this building would give ample room for the court and court officials, and it would be at comparatively small cost. Yet, under the policy of the administration of this building program, no relief can be expected to the people of my district, and districts occupying a similar position or situation. We must wait until the great projects of the country are finished, and then whatever may be left will come to the smaller communities.



I have opposed, and shall continue to oppose, this class of legislation that takes from the chosen representatives of the people the right to serve their people and delegate it to an executive department of the Government, where Senators and Congressmen must go as messengers, with hat in hand, asking a department to do for their constituents, and to render unto their constituency, the services and the things that rightly belong to the American Congress—a power never intended to be delegated by the lawmaking body of the Nation to a Cabinet officer. I shall never support a policy that delegates to any one man the right and power to expend \$200,000,000 of the taxpayers' money. It is wrong, it is a policy subject to abuse, subject to every good and bad—mostly bad—influence!

The District of Columbia has received by far the biggest share of money for public buildings and similar works—far more than its just proportion. Including the Memorial Bridge, the \$50,000,000 authorized at the last session of this Congress, the \$25,000,000 carried in this bill, the proposed House Office Building, the different funds for the purchase of land, parks, Botanic Gardens, and so forth, it approaches the enormous sum of \$120,000,000. It is all right to remember the National Capital, but we must not be unmindful of the great constituency—the people of the country, the town, and small city—overlooked, if not forgotten, under the present public buildings program.

Mr. COCHRAN. Mr. Speaker, the bill under consideration will not directly benefit my constituents, in so far as securing a public building is concerned, but it will indirectly affect them because it will ultimately mean a large reduction in Government expenditures. Reduced expenditures means reduction in taxes.

Due to an actual emergency, recognized by the Post Office Department, St. Louis will secure a new parcel-post station directly east of the present post-office building. This allocation will not come from funds provided in the pending bill, but from the money appropriated by the last public building act.

If the proposed plan of the Treasury Department is carried out, and there is every reason to feel that it will be, then St. Louis will secure a Government office building that will house every Government agency in St. Louis now occupying leased quarters other than branch post-office buildings. This new structure will be erected with money secured by the sale of the present customhouse situated between Olive, Locust, Eighth, and Ninth Streets, one of the most valuable pieces of property in the city, together with proceeds realized from the sale of the old customhouse at Third and Olive Streets, and the site owned by the Government at the southeast corner of Fourth and Chestnut Streets. The site expert of the Treasury Department, after a recent survey, reported that this property should net the Government in the vicinity of \$5,500,000, while the site of the new building, as well as the structure itself, will not exceed \$4,500,000 in cost, thus resulting in the Government not only securing a suitable building in St. Louis but the Federal Treasury being enriched to the extent of at least \$1,000,000. The erection of the new Government office building in St. Louis will mean a saving of approximately \$75,000 annually now being paid for leased quarters.

It will be necessary to secure an act of Congress to carry out the plan providing for the sale of the present customhouse and the erection of the new building in St. Louis, as the present authorization limits the cost of the new building to \$1,750,000.

This can and will be secured at this session if the Treasury Department will send its recommendation to the House committee. When that recommendation is received I propose to appear before the committee in support of the bill now pending, and when the members learn that instead of requiring the expenditure of Government funds the project can be completed and the unexpended balance of at least a million dollars derived from the sale of the property now owned by the Government, placed in the Treasury, a unanimous report of the committee will be made without delay.

The selection of a site for this proposed building is one that has caused a great deal of discussion among the business interests of St. Louis. The advisability of locating the building other than between Seventh and Twelfth Streets on the east and west and Pine and Market Streets on the north and south is questioned by the site expert who investigated the situation.

There seems to be no question but that a location close to the new city courthouse should be selected. The original site at Fourth and Chestnut Streets was purchased for the purpose of erecting a subtreasury about 15 years ago. As the time passed it was evident the subtreasuries would be abolished, and the appropriation for the building was held in abeyance. When Congress by legislative action discontinued the subtreasuries, the authorization was changed so as to provide for the erection of an office building.

The original appropriation for purchasing the site was \$300,000. The business men in the vicinity and also several of

the banks contributed about \$30,000 to make up the necessary amount to purchase the site. This money should and will be returned to them. Naturally they strongly contend this site should be used by the Government for the erection of the office building. They submitted arguments to the department, but after his investigation the site expert recommended that the property be sold and the building erected farther west.

The sale of the property known as the customhouse will result in the erection of a large hotel or office building. The estimated value of the ground, which is between five and five and one-half million dollars, will require the construction of a massive building in order that a reasonable return will be realized on the investment.

Strange to say, the Government itself is the country's leading lessee. The great majority of the people do not know that the Government, 150 years old, leases many of the buildings it occupies in Washington, not speaking of thousands scattered throughout the country.

The report of the Public Building Commission showed that in January, 1925, the annual rental paid by the Government for housing departments and independent establishments in the District of Columbia alone was \$829,669. The hearings held by the Committee on Public Buildings and Grounds in January, 1926, showed an expenditure of \$1,135,000. The public-building program will, when completed, eliminate this entire expenditure. The amount saved by reason of placing under one roof every branch of a department can not be estimated. As an example of existing conditions I cite the Department of Agriculture in the city of Washington to-day occupying no less than 45 buildings scattered throughout the city. The means of communication between the divisions of this great department is by messengers, trucks, and telephones.

Buildings of nonfireproof construction where valuable records of the Government are stored are rented by various departments.

The destruction by fire of the building occupied by the income-tax division of the Bureau of Internal Revenue would cost the Government hundreds of millions of dollars, as it would prevent the auditing of returns of late years which have not as yet been reached. While the Congress and press learn of the many millions of dollars that are returned to the taxpayers in the form of refunds for overassessments, the amount of additional assessments has never been announced, but it far exceeds the amount of refunds. One of the temporary structures erected during the war, solely of wood with a stucco covering, is occupied by this important bureau, and within its walls are filed all of the income-tax returns of any moment.

Outside of the city of Washington the Government is paying in round numbers nearly \$25,000,000 in rentals annually for buildings for various agencies.

The Post Office Department is the leading tenant among the Government departments. It leases nearly 5,000 buildings for post offices and substations. The total annual rental in 1925 for leased buildings was around \$12,000,000, while over \$4,000,000 is paid in rents for small offices rented by the month where the department has not been able to make a desirable arrangement for a lease, or a total of \$16,000,000. In 1927 the department will pay \$18,000,232.50, if not more.

In New York City the Post Office Department pays \$1,600,000 in rentals; Boston, \$500,000; Philadelphia, \$350,000; Chicago, \$1,300,000; St. Louis, \$150,000; Kansas City, \$141,000; Cleveland, \$200,000; San Francisco, \$150,000; Brooklyn, \$230,000; Detroit, \$230,000; Los Angeles, \$241,000; Cincinnati, \$190,000; St. Paul, \$185,000.

Take the situation at Chicago as an example. The Government leases the building known as the Van Buren Station, containing 385,215 square feet. The Government has a 20-year lease on this building, for which it agreed to pay \$500,000 a year for the first 5 years and \$310,000 a year for the remaining 15 years, or a total in 20 years of \$7,150,000. After paying over \$7,000,000 in rentals the Government at the expiration of the lease will have nothing. Consider the saving that would have resulted had the Government erected this building at the outset. This lease was entered into so that parcel-post mail could be handled in Chicago, and the rent per square foot is \$0.86, while at Kansas City the Government pays \$1.86 per square foot for 51,427 square feet, or a total of \$95,848 per year for the building.

In a small number of the leases the option to purchase the property is given the Government.

In Oakland, Calif., the Government pays \$21,000 a year rent, and can purchase the building for \$150,000; in San Francisco, a building for which the Government pays \$107,300 a year can be bought for \$1,223,000; in Louisville, a building rented for \$25,000 can be purchased for \$197,000; in Detroit, for \$515,000,

the Government has the right to purchase the building for which it now pays \$70,000 a year rental; in Dallas, \$575,000 will buy the building for which the owners now receive \$60,000 a year; in Norfolk \$320,000 will purchase the parcel-post station which rents to the Government for \$28,500.

While it certainly appears it would be good business to close the majority of these options, I find nothing in the hearings which indicates that the department has in mind the purchase of any of the projects mentioned. With the exception of two leases, by paying less than 10 years' rent in advance the Government becomes the owner of the building. In the other two instances 12 years' rent will purchase the property.

During January of this year statistics were presented to the committee which reported this bill showing 1,902 cities in the United States where the postal receipts exceeded \$20,000 annually. In 858 of these cities the Government rents the buildings where the post offices are located.

The fact that individuals find it profitable to erect buildings for the Government use should be evidence enough that even if it were necessary to issue bonds for the erection of these buildings it would be a good investment for the Government.

The public-building program must be carried out in a businesslike manner. The needs of every community should be carefully investigated and in the end Government necessity and not political expediency should prevail.

During the debate on the bill Members have denounced the new program of leaving the selection of the sites to the executive branch of the Government. So long as this authority is not abused I believe it might be well to give it a trial in order that the cry of "pork" will be removed from the legislation.

A definite policy should be adopted and should be adhered to and the indorsement of the Representative or Senator should not in itself be sufficient to secure a public building for any locality.

Feeling that the construction of public buildings by the Government, where investigation discloses a public necessity, will result in enormous saving to the Government, I propose to support the bill.

Mr. MORROW. Mr. Speaker, the purpose of this legislation is said to be by those in charge the carrying out of the minimum needs of the act of 1926, in pursuance of a joint survey made by direction of the Secretary of the Treasury and the Postmaster General.

By the act of 1926 the Secretary of the Treasury was authorized to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof and the erection of public buildings in several States and Territories under section 3, act of 1926. The Secretary of the Treasury was further authorized to disregard the limit of cost fixed in the existing law for each of said projects and to purchase additional land for enlargement of sites. Furthermore, the act authorized the Secretary of the Treasury to expend for this purpose an additional \$15,000,000 and to enter into contract for as many of the buildings as might be possible within the total limits of the \$15,000,000 hereinbefore authorized.

It is my interpretation that projects authorized under existing law for public buildings in the towns and cities enumerated in section 3 of the act of Congress approved May 25, 1926, intended clearly to take care of the public buildings which had been provided for by former legislation. By section 4 of the same act a separate and distinct provision is made for the construction of two additional buildings in each State.

Section 4 provides as follows:

*Provided further*, That the foregoing provisos shall not apply to buildings or their modification heretofore provided for by act of Congress: *Provided further*, That at least two buildings shall be estimated for during the period covered by this act in each State for post offices with receipts of more than \$10,000 during the last preceding year for which post offices no public buildings have been provided.

Section 5 provides as follows:

For the purpose of carrying out the provisions of this act the sum of \$150,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization, and from appropriations (exclusive of appropriations made for remodeling and enlarging public buildings), heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of public buildings under the control of the Treasury Department, not more than \$25,000,000 in the aggregate shall be expended annually.

It is very clear to me that this act intended that where provision had been made by law prior to the act of May 25, 1926, for the securing of sites and the erection of public buildings that such buildings were to be erected in each State as pro-

vided for, without being classed in the quota of two public buildings allowed by the act of May 25, 1926, to each State.

The act of May, 1926, provides for estimates to be made in each State during the period covered by that act; the amount authorized is \$150,000,000, so it is apparent that a part of this sum is to be used for the building of at least two new public buildings in each State.

What I desire to make clear is this: That section 4 of the act approved May 25, 1926, is not being carried out by the Secretary of the Treasury. The report of the joint survey made by the Secretary of the Treasury and the Postmaster General clearly indicates the situation in regard to my State. House Document No. 651, transmitted to the Committee on Public Buildings and Grounds, shows the attitude of the two Secretaries, heretofore mentioned, concerning their interpretation of the act approved May 25, 1926, as regards the erection of public buildings in each State. The House document has the following report in regard to New Mexico:

There are eight post offices in the State of New Mexico with receipts in excess of \$20,000 per annum, five of which have Federal buildings.

Section 3 of the public buildings bill provides for a Federal building at East Las Vegas. In order to meet the minimum requirements of the bill it is necessary to consider one additional post office in this State.

The population of Clovis in 1910 was 3,255 and in 1920, 4,904; population estimated for 1926, 5,500; and population served, 8,000. Postal receipts for 1915 were \$13,338; and for 1925, \$28,010. Postal receipts for 1926 were \$28,755.

Clovis's principal industries are farming, stock raising, trading center, flour mill, railroad divisional point, and railroad shops. The leased quarters have poor light and ventilation and the mailing equipment is of the old type.

The postmaster at Clovis reports, in his answer to the questionnaire of the Treasury Department, to the effect that—

"The property described above (site, 90 by 140 feet; estimated cost, \$12,000) would in all probability be donated to the Government for a Federal building."

It is recommended that Clovis be selected in order to meet the minimum requirements of the act.

From the foregoing report it would indicate that but one building was intended other than that provided for under section 3. I do not think this is either a fair or correct legal interpretation of the act of Congress, according to the wording of the act.

Mr. BRIGGS. Over 13 years ago, Mr. Speaker, the Government authorized the acquisition of a post-office building site in the city of Crockett, Tex., and subsequently such site was acquired in the heart of the town. The amount provided by Congress was, however, insufficient to meet the cost of the very desirable lots selected, and the citizenship of Crockett contributed out of their own pocket a very substantial amount so that the site chosen might be obtained by the United States without further expense.

The site was acquired September 23, 1915, and has remained undeveloped since that time. It is true that no building was authorized at the time; but, in line with the custom and practice of the Government, it was contemplated by all, including the contributors to the purchase price of the ground, that a building would be authorized and erected thereon within a reasonable time.

But the World War came on and building activity ceased in Government work, except for war purposes. No further authorization for a general building program was adopted by the Government from 1913 until the latter part of May, 1926. Even then the administration declined to sanction legislation specifically designating where buildings, within the limited lump-sum authorization provided, should be erected, and the Secretary of the Treasury and Postmaster General were left to determine, after a survey of the country, the building program regarded as most urgently needed.

Although, under the terms of act of May 25, 1926, authority was given for the consideration of places where post-office receipts were more than \$10,000 during the last preceding year, and Congress specifically indicated that, in cases where the Secretary of the Treasury considered conditions justified such action, that preference should be given to places where sites for public buildings had theretofore been acquired, yet the Secretary of the Treasury and Postmaster General have reported to Congress that, in view of the limited authorization contained in the act of May 25, 1926, and their conclusions regarding the urgency of building needs of the Nation, as reflected by their survey, that no place could be considered in any State for a new building whose post-office receipts did not



amount to \$20,000 for the preceding year, except in such States where there were no such post offices.

Although both the population and postal receipts of Crockett have increased more than 100 per cent in the past 15 years, its post-office receipts for the preceding year did not quite reach \$20,000, and therefore it was ruled ineligible by the Secretary of the Treasury and Postmaster General for consideration in the building program recently announced.

But with the additional authorization carried in the pending bill, and which the administration has refused to sanction any allocation thereof in the form of a specific designation of places, other than as related to the building program report to Congress, it is most earnestly urged that a Federal building should be designated for Crockett, and the acute need of that community for a post-office building be promptly supplied.

This past summer, field surveys of the situation at Crockett were conducted and carried out in a most thorough and comprehensive way by authorized representatives of both the Treasury and Post Office Departments, and the reports filed by each of such representatives recognized the urgent need of a public building at Crockett and strongly recommended that it be included in the building program.

Not only is the citizenship of Crockett both in need of and entitled to such a building, but the inadequacy, insufficiency, and general unsuitable character of the present post-office quarters there sadly reflects upon the great Government of the United States, and denies to both the patrons and the officers and employees of the post office a suitable post office and quarters which, for the 15 officers and employees there, do not furnish either sufficient room, light, or air. The building now occupied is old and dilapidated, and in times of heavy rains the floors are frequently flooded. Surely the Government will not allow this situation to continue, if it can be prevented. I have made every possible effort to get the Government to erect a new building on the site owned by it for so many years, and I shall continue my efforts to that end until a successful result is attained.

The city of Crockett has a splendid citizenship, imbued with civic pride and progress, and it has developed greatly in the last 10 years. It has laid 8 miles or more of fine asphalt pavement throughout the city, has constructed a number of excellent and substantial brick buildings, it possesses splendid schools and a number of manufacturing enterprises, and is the center and county seat of the county, serving a territory of over 30,000 people. There are eight rural routes emanating from Crockett, and a city-delivery service there.

With the pronounced development and the continued promise of growth of Crockett, as well as the large section about it of which it is the trade center, it is apparent that it can not get along with its present post-office quarters, and that it presents a case of emergency need for a new post-office building, which should be provided without further delay.

Mr. GIBSON. Mr. Speaker, at the time of the passage of the Elliott public buildings bill only 30 minutes on each side was allowed for debate. Advantage is therefore taken of the only opportunity to express my views as to that proposal and to call attention to some of the crying needs in my district by the insertion of these remarks under the general-consent agreement.

While I voted for the bill, grave doubts remain as to the wisdom of its policy. I believe that Congress can quite as well determine the location of public buildings as any other governmental agency. Surely the Member of Congress ought to know the relative needs of the towns of his district and be able to determine where the Government and the people will be the best served. But the present plan takes away from Congress the allocation of buildings and lodges the decision jointly with the Postmaster General and the Secretary of the Treasury. In the operation of the law the status of the Member of Congress is only a little better than that of a bystander. But above all I object to the present-day trend to give more and more authority to departments and bureaus by taking it away from the representatives of the people. We must turn back from the policy of centralization and bureaucracy.

In determining the location of post-office buildings, the Postmaster General caused to be sent out questionnaires to all offices with receipts of over \$20,000 per annum. From information thus gathered a decision was arrived at as to the locations of this class of public buildings, having regard to the provisions that there must be at least two buildings located in each State during the life of the act.

The report of this survey, known as Document No. 651, House of Representatives, Sixty-ninth Congress, second session, so far as it relates to Vermont, is as follows:

#### VERMONT

Of the 14 post offices in Vermont having receipts of \$20,000 or more, 9 have Federal buildings.

#### FEDERAL BUILDINGS

##### RUTLAND

The location of the Federal building is not central and the post office was moved into rented quarters, at a cost of \$2,840 a year. The post office uses a small space in the Federal building for a station.

An act of Congress (H. R. 6244) authorized the exchange of the Federal building and site for the memorial library and site. The memorial library site is well located for a post office, but there has been some objection made on the part of the Department of Justice (Judge) to the library site on account of the noise from trains. A special inspection made of this site by a Treasury Department representative reports that in his judgment a building could be so planned and the court room so located on the library site as to not cause any disturbance on account of the noise from the trains. In view of the fact that this act prescribes for a specific trade of the library and site in exchange for the present Federal building, no other action could be taken, except to carry out the legislation.

We recommend that the existing law be carried out.

#### NEW FEDERAL BUILDINGS

Section 3 of the public buildings bill does not provide for a Federal building in Vermont. In order to meet the minimum requirements of the bill it is necessary to consider two additional post offices in this State.

##### BELLOWS FALLS

The population in 1910 was 4,883; in 1920, 4,860. Postal receipts in 1915 were \$28,434, and in 1925, \$34,521. The rental paid for the present office is \$1,150.

The rental quarters are in a poor state of repair, and the equipment used is in very bad condition.

This town has the largest postal receipts of the five cities above \$20,000 not provided with a Federal building.

It is recommended that Bellows Falls be selected as one of the two cities entitled to a new Federal building.

##### SPRINGFIELD

The population in 1910 was 3,250; in 1920, 5,283. Postal receipts in 1915 were \$19,772, and in 1925, \$33,799. The rental paid for the present office is \$1,100.

The rented post office is in fair repair, but the quarters are very crowded. The principal industries of this town are machine tool, gear cutting, lathe grinding, automatic, and textile machine manufacturing.

It is recommended that Springfield be selected as the other city entitled to a new Federal building.

In so far as the need of a post-office building is concerned, the next town in my district entitled to relief, aside from those already provided for in the report, is White River Junction, a thriving and prosperous railroad and shipping center, with a population of more than 3,000. The postal receipts for the last fiscal year were \$33,460. The needs of this community are commended to those having the authority of selection.

There is another class of public-building needs that claim attention. We have along the Canadian border a number of towns which have become, and will continue to be, important ports of entry. The population of these towns is not large, but the volume of Government business through the Customs Service and the Immigration Service is large. Postal receipts do not serve as an index of needs. These days of increasing motor traffic and travel have served to greatly increase the importance of these border towns as centers of governmental activities. I call attention to some of them.

##### NORTH TROY

North Troy is an example of a small town that has become an important port of entry. In 1926, 59,307 automobiles reported at the customhouse with 193,942 passengers, 59,946 of whom were aliens. In addition 2,965 aliens arrived by trains. The post office is in a rented building. The customs office is located in a room, 18 feet by 20 feet, in a small station of the Canadian Pacific Railroad. This room has to afford space for 3 customs officers in the winter; 7 to 10 customs officers from May to November; and also space for an immigration inspector. North Troy is designated as a port of entry by the Secretary of Labor. The Commissioner of Immigration at Montreal has been trying for three years without success to find a separate office for the local inspector. In addition to the uses made of the single room referred to, it is also used for the storage of seized liquors and for the detention of immigrants while their cases are being determined elsewhere.

A public building at North Troy would house the post office, the customs office, the Immigration Service, and the Bureau of Animal Industry. This is a situation that should not be over-

looked. Can the Government expect its agents to render efficient service under conditions that exist at this important port of entry? Their place of business has become a subject of ridicule in all the country round about. It is our plain duty to properly house faithful agents of the Government in the transaction of the business that comes before them as befits the dignity of this great Nation.

## DERBY LINE

This is another important port of entry. Conditions here are slightly better than at North Troy. For many years the customs office and the immigration office were in the end of a local hotel. A good part of the Government business was transacted in the street or on the piazza of the hotel. Public-spirited citizens, ashamed of these conditions, purchased a building and have rented it to the United States at a reasonable rental. They deserve the commendation of all for the fine public spirit evidenced by their action. However, the need of a Government building continues.

Official figures show that for the fiscal year just ended 127,811 automobiles reported at the customhouse, carrying 428,079 passengers, of whom 79,284 were aliens. In addition, there was the work of the Immigration Service and the prohibition agents. In contrast with the facilities for the transaction of the business of our Government, the small Canadian village, separated from Derby Line only by the imaginary international line, has a commodious customhouse.

## ISLAND POND

Island Pond, the home of the junior Senator from our State, is another port of entry of constantly increasing importance. It is in the business center of northeastern Vermont. The work of the post office is not reflected in the postal receipts, since all packages of foreign origin must be examined for customs duties, requiring extra and expert clerks.

The business transacted, the conditions existing, and the needs of the situation are so well set forth in a recent letter from the Island Pond Business Men's Association that I set it forth in full herein:

ISLAND POND BUSINESS MEN'S ASSOCIATION,  
Island Pond, Vt., January 27, 1927.

Col. E. W. GIBSON,

United States Congressman, Washington, D. C.

DEAR SIR: The following conditions are brought to your attention to show the need of a Federal building in this place for the proper transaction of Government business.

There are 41 Government officials connected with this customs port and exchange post office, as indicated below:

- One United States commissioner.
- One inspector for the Bureau of Animal Industry.
- One postmaster.
- Three postal clerks.
- Eleven railway post-office clerks.
- One rural-free-delivery carrier.
- Two star-route carriers.
- One deputy collector in charge of customs.
- Seventeen deputy collectors and inspectors of customs.
- Three immigration inspectors.

The United States commissioner, who is constantly holding hearings and fixing bail in cases requiring the attendance of from 5 to 25 persons, has no Government office.

The inspector for the Bureau of Animal Industry has no office.

The post office, having 21 persons connected therewith, is located in a small, poorly lighted wooden structure, a veritable fire trap, entirely inadequate in size to accommodate the work. This is an exchange office between the United States and Canada, where large quantities of mail are handled in addition to the local business. There is one rural free delivery and two star routes working out of this office, delivering mail throughout the surrounding rural communities. There are five mail trains arriving daily at this office, delivering an average of 83 sacks and pouches of mail and taking away an average of 70 sacks and pouches daily. About 8,000 money orders are issued and 1,500 money orders paid annually. Forty-five hundred registered packages and letters are sent out and 3,000 received annually, and about 7,300 insured packages handled each year. Twelve thousand or over packages arrive from foreign countries each year, which have to be opened and examined by customs inspectors and then retied and proper post-office and customs notations made thereon.

The customs port, having 18 employees and doing business last year with 232,599 persons, has offices located in the railway station, which are too small to accommodate the work and are very dingy, owing to smoke from railway locomotives. The officers at this port have inspected during the year 1926, 60,811 freight cars, 7,342 passenger and baggage cars, 56,968 automobiles, 8,431 teams, 20,172 trunks, 95,076 pieces of hand baggage, 2,817 express packages, and 11,226 parcel-post packages.

During the year 1926 the immigration inspectors have examined and manifested 163,787 persons arriving from Canada. They have one small office in the railway station, entirely too small to care for the immigrants which they hold from each train for special hearings as to their admission to the United States.

The foregoing information has been given you as concisely as possible that you may compare it with that of several other ports of entry which now have Federal buildings, and which are doing a much smaller business than is transacted in the various offices now rented for Government purposes here in Island Pond.

It is earnestly desired that a representative be sent from the Treasury Department to investigate conditions here in order that the matter of a Federal building may be given consideration before the next National Budget is prepared, and to this end we solicit your personal assistance.

Very truly yours,

LAWRENCE P. CURRAN, *Secretary.*

Approved:

CHAS. F. MARR, *President.*

This letter has my unqualified approval. It is my duty as the representative of the people of these towns and as a servant of the Government to use every effort to secure proper housing of Government agencies in my district. I therefore call the attention of the proper officials to these needs.

The men in the service of our Government along our borders are as fine a lot as ever came together anywhere, any time. I know personally most of them now serving in my State. I make it a point to keep in touch with their work. They are honest, faithful, alert, painstaking, fearless, and, above all, gentlemen. They are, in fact, our guardians of law and order, the protectors of the Constitution within their sphere of activity.

As an example of the type of men in this service, one stands out in my mind, possibly because of intimate connection. I refer to Capt. Edward B. Webb, late of the Customs Service. He was an only brother of my secretary, Charles A. Webb, who for nearly a score of years has rendered faithful and efficient service to the people of Vermont as my secretary and as secretary of the late Senator William P. Dillingham.

Capt. Edward B. Webb was a special agent in the Customs Service and as such had rendered valuable service to his country in the handling of scores of difficult cases. A poor man, he refused bribes and gifts that would have made him comparatively rich if he had been of the kind to sell his honor. One night last October, while in the performance of his duties, he was shot to death by a bootlegger. At the same time, another faithful agent, Murray M. Tucker, was seriously wounded. That is the kind of danger these men face daily in what is practically open rebellion against legally constituted authority along the international border. They are working under serious handicaps, but they are going ahead with their work with the hope that some day their Government may furnish them proper quarters for the transaction of its business.

It is only fair to say that the work of the allocation of buildings under the provisions of the Elliott Act has proceeded within the spirit of the act. Those upon whom the work was placed have acted honestly and expeditiously in the solving of difficult problems. The task was difficult, and the officials dealing with it are entitled to great credit.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 83, answered "present" 3, not voting 53, as follows:

[Roll No. 25]

YEAS—294

Abernethy	Boles	Carter, Okla.	Davenport
Ackerman	Bowles	Celler	Davey
Adkins	Bowman	Chalmers	Dempsey
Aldrich	Box	Chidblom	Denison
Allen	Boylan	Christopherson	Dickinson, Iowa
Almon	Brand, Ohio	Cochran	Dickinson, Mo.
Andresen	Briggs	Cole	Doughton
Andrew	Brigham	Collier	Douglass
Arentz	Britten	Colton	Dowell
Arnold	Browne	Connery	Drane
Ayres	Browning	Connolly, Pa.	Dyer
Bacharach	Brumm	Cooper, Ohio	Elliott
Bachmann	Buchanan	Cooper, Wis.	Ellis
Bacon	Burdick	Corning	Englebright
Bailey	Burtness	Coyle	Esterly
Barbour	Burton	Cramton	Evans
Barkley	Butler	Crosser	Fairchild
Beers	Campbell	Crowther	Faust
Berger	Carew	Crumpacker	Fenn
Black, N. Y.	Carpenter	Cullen	Fish
Bland	Carss	Dallinger	Fisher
Blanton	Carter, Calif.	Darrow	Fitzgerald, Roy G.



Fitzgerald, W. T.	Johnson, Wash.	Murphy	Summers, Wash.
Fletcher	Jones	Nelson, Me.	Sumners, Tex.
Fort	Kahn	Nelson, Wis.	Swank
Frear	Kelly	Newton, Minn.	Sweet
Freeman	Kemp	Norton	Swing
French	Ketcham	O'Connell, R. I.	Swoope
Frothingham	Kiefner	O'Connor, Ia.	Taber
Funk	Kies	O'Connor, N. Y.	Taylor, N. J.
Gallivan	Kincheloe	Oliver, N. Y.	Taylor, Tenn.
Garrett, Tex.	Kindred	Parker	Temple
Gasque	Kopp	Parks	Thatcher
Gibson	Kurtz	Patterson	Thompson
Gifford	LaGuardia	Peery	Thurston
Glynn	Lanham	Perkins	Tilson
Goodwin	Lea, Calif.	Porter	Timberlake
Graham	Leatherwood	Pratt	Tincher
Green, Fla.	Leavitt	Purnell	Tolley
Green, Iowa	Lehlbach	Quayle	Treadway
Greenwood	Letts	Ragon	Underhill
Griest	Lindsay	Ramseyer	Underwood
Griffin	Lineberger	Ransley	Udlike
Hadley	Linthicum	Rathbone	Vaile
Hale	Lozier	Reece	Vestal
Hall, Ind.	Luce	Reed, Ark.	Vincent, Mich.
Hall, N. Dak.	Lyon	Reed, N. Y.	Vinson, Ga.
Hardy	McFadden	Reid, Ill.	Voigt
Harrison	McLaughlin, Nebr.	Robison, Ky.	Wainwright
Hastings	McLeod	Rogers	Wason
Haugen	McMillan	Rouse	Watres
Hawley	McReynolds	Sanders, N. Y.	Watson
Hayden	McSwain	Sandlin	Weaver
Hersey	MacGregor	Schafer	Welch, Calif.
Hickey	Magee, N. Y.	Schneider	Welsh, Pa.
Hill, Ala.	Magee, Pa.	Scott	Wheeler
Hill, Md.	Magrady	Sears, Fla.	White, Kans.
Hogg	Major	Shreve	White, Me.
Holaday	Manlove	Simmons	Whitehead
Hooper	Mapes	Sinclair	Williams, Ill.
Houston	Martin, Mass.	Sinnot	Williams, Tex.
Hudson	Menges	Smith	Williamson
Hull, Morton D.	Merritt	Smithwick	Wilson, Miss.
Hull, William E.	Michener	Somers, N. Y.	Winter
Irwin	Miller	Spearing	Wolverton
Jacobstein	Mills	Sproul, Ill.	Wood
James	Montague	Sproul, Kans.	Woodruff
Jeffers	Montgomery	Stalker	Woodrum
Jenkins	Mooney	Stegall	Wurzbach
Johnson, Ill.	Moore, Ky.	Stedman	Wyant
Johnson, Ind.	Moore, Va.	Stevenson	Yates
Johnson, Ky.	Morgan	Stobbs	Zihlman
Johnson, S. Dak.	Morrow	Strong, Kans.	
Johnson, Tex.		Strong, Pa.	

## NAYS—83

Allgood	Dominick	Larsen	Robinson, Iowa
Appleby	Drewry	Lazaro	Romjue
Aswell	Driver	Little	Rubey
Anf der Heide	Edwards	Lowrey	Rutherford
Bankhead	Eslick	McClintie	Sanders, Tex.
Beck	Fulmer	McDuffie	Scars, Nebr.
Black, Tex.	Furlow	McKeown	Shallenberger
Bowling	Garber	Mansfield	Speaks
Brand, Ga.	Gardner, Ind.	Martin, La.	Taylor, Colo.
Bulwinkle	Garner, Tex.	Milligan	Taylor, W. Va.
Busby	Garrett, Tenn.	Morehead	Thomas
Byrns	Hammer	Nelson, Mo.	Tillman
Canfield	Hare	Oldfield	Tucker
Cannon	Hill, Wash.	Oliver, Ala.	Vinson, Ky.
Chapman	Hoch	Peavey	Warren
Clague	Howard	Pou	Wefald
Collins	Huddleston	Prall	Whittington
Connally, Tex.	Hull, Tenn.	Quin	Wilson, La.
Cox	Knutson	Rainey	Woodyard
Crisp	Kvale	Rankin	Wright
Davis	Lankford	Rayburn	

## ANSWERED "PRESENT"—3

Bell	Kearns	Upshaw
------	--------	--------

## NOT VOTING—53

Anthony	Gambrell	McSweeney	Sosnowski
Beedy	Gilbert	Madden	Stephens
Begg	Golder	Mead	Strother
Bixler	Goldsborough	Michaelson	Sullivan
Bloom	Gorman	Moore, Ohio	Swartz
Cleary	Hudspeth	Morin	Tinkham
Curry	Keller	Newton, Mo.	Tydings
Deal	Kendall	O'Connell, N. Y.	Vare
Dickstein	King	Periman	Walters
Doyle	Kirk	Phillips	Weller
Eaton	Kunz	Rowbottom	Wingo
Foss	Lampert	Sabath	
Fredericks	Lee, Ga.	Seger	
Free	McLaughlin, Mich.	Snell	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Begg and Mr. Gilbert (for) with Mr. Upshaw (against).  
 Mr. Curry and Mr. Vare (for) with Mr. Kearns (against).  
 Mr. Michaelson and Mr. Hudspeth (for) with Mr. Sabath (against).

Until further notice:

Mr. Moore of Ohio with Mr. Tydings.  
 Mr. Newton of Missouri with Mr. Mead.  
 Mr. Seger with Mr. Deal.  
 Mr. Foss with Mr. Kunz.  
 Mr. Walters with Mr. Wingo.  
 Mr. Stephens with Mr. O'Connell of New York.  
 Mr. Anthony with Mr. Cleary.  
 Mr. Free with Mr. Gambrell.  
 Mr. Kendall with Mr. Lee of Georgia.

Mr. McLaughlin of Michigan with Mr. Weller.  
 Mr. Snell with Mr. McSweeney.  
 Mr. Madden with Mr. Sullivan.  
 Mr. Sosnowski with Mr. Goldsborough.  
 Mr. Eaton with Mr. Dickstein.  
 Mr. Lampert with Mr. Bloom.  
 Mr. Morin with Mr. Doyle.  
 Mr. King with Mr. Bell.

Mr. UPSHAW. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. BEGG, and the gentleman from Kentucky, Mr. GILBERT. I voted "no." I wish to withdraw my vote of "no" and answer "present."

Mr. CULLEN. Mr. Speaker, Mr. O'CONNELL of New York is absent to-day on account of illness. If he were here, he would vote in the affirmative.

Mr. KEARNS. Mr. Speaker, the gentleman from Ohio, Mr. MOORE, is absent on account of the death of a relative. If he were here, he would vote "aye."

The result of the vote was announced as above recorded.

## PURCHASE OF FEED AND SEED GRAIN, ETC.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 15973) authorizing an appropriation of \$6,000,000 for the purchase of feed and seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under the rules and regulations prescribed by the Secretary of Agriculture, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture is hereby authorized, for the crop of 1927, to make advances or loans to farmers in the drought and storm-stricken areas of the United States where he shall find that special need for such assistance exists for the purchase of wheat, oats, barley, and flaxseed for seed purposes, of feed and fertilizer and, when necessary, to procure such seed, feed, and fertilizers and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed and fertilizer thus obtained by him for crop production. A first lien on the crop to be produced from seed and fertilizer obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of \$300. All such advances or loans shall be made through such agencies as the Secretary of Agriculture shall designate. For carrying out the purposes of this act there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$8,000,000, to be immediately available: *Provided*, That of said amount not more than \$1,500,000 shall be used for loans, advances, or sales for fertilizer in drought-stricken areas, and not more than \$500,000 shall be used for loans, advances, or sales for fertilizer or fertilizer material or nursery stock in storm-stricken areas.

SEC. 2. That any person who shall knowingly make any false representation for the purpose of obtaining an advance, loan, or sale under this act shall, upon conviction thereof, be punished by a fine of not exceeding \$1,000, or by imprisonment not exceeding six months, or both.

The SPEAKER. Is a second demanded?

Mr. BLACK of Texas. Mr. Speaker, I demand a second.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, I have another amendment which I desire to submit. The bill authorizes an appropriation of \$8,100,000, as proposed to be amended, for the purchase of seed and fertilizer, and \$1,500,000 to be available for the purchase of fertilizer in drought-stricken areas, and not more than \$600,000 to be used for loans, advances, and so forth, for fertilizer or fertilizer material or nursery stock in storm-stricken areas. The bill as amended will carry \$8,100,000. I have another amendment which is also authorized by the committee, in addition to the amendments reported in the bill, which were unanimously agreed to by the committee. This amendment that I propose to offer now is not in conflict with the Budget.

The SPEAKER. The gentleman can only offer that amendment by unanimous consent.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent to offer an amendment, which the Clerk will report for the information of the House.

Mr. ASWELL. And may I state, Mr. Speaker, that that is a committee amendment.

The Clerk read as follows:

Page 3, line 8, after the word "than," strike out "\$500,000" and insert in lieu thereof "\$600,000"; on the same page, in line 10, after the word "nursery," insert the words "and sugar cane."

Also amend the title so as to read "\$8,100,000" instead of "\$8,000,000."

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. That becomes a part of the motion to suspend the rules.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to offer the following amendment, which I send to the desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent to offer the following amendment, which the Clerk will report for the information of the House.

The Clerk read as follows:

Amendment offered by Mr. RAINEY: Page 2, line 5, after the word "drought," insert the words "flood-stricken," and on page 2, line 8, after the word "wheat," insert the word "corn."

The SPEAKER. Is there objection?

Mr. JOHNSON of South Dakota. Mr. Speaker, I reserve the right to object. This bill was before the committee for some time, and if a showing had been made as to the necessity for this perhaps I would not object, but no one appeared before the committee or before the House showing any necessity for the amendment.

Mr. RAINEY. Mr. Speaker, in explanation of the amendment, in the flood-stricken districts of Illinois, along the Illinois River at the present time 7,750 people are being supported by the Red Cross. The floods there covered 200,000 acres of land. That land is still covered. The effect of these two amendments is simply to extend this aid also to the flood-stricken districts as well as to the drought-stricken districts. The second amendment inserts the word "corn" after the word "wheat." That is the seed they need there. In these flood-stricken sections the land is farmed in units of from 150 acres to 200 acres. The corn will cost \$3 or \$4 a bushel. It will cost to seed a unit of that kind about \$150 or \$200, less than a dollar an acre. These flood-stricken people in Illinois are suffering as much as are the people in any drought-stricken section of the country. That is perhaps the most disastrous flood that we have ever had in this country. The property damage there was over \$20,000,000. I have spoken to most of the members of the committee and I have found no one who objects to this.

Mr. CHINDBLOM. Does the gentleman know how much money it will cost?

Mr. JOHNSON of South Dakota. This has never been before us, nor was it presented to the Agricultural Committee, as all these other questions have and careful surveys made in respect to them. I ask the gentleman from Illinois how much it will cost? Does he know how much it would cost?

Mr. RAINEY. The cost would not be great. The cost ought not to exceed over \$10,000 or \$15,000 for those who need aid.

Mr. JOHNSON of South Dakota. I would say to the gentleman I have no objection to that if he could give any guaranty and it is understood that on the passage of the bill that the Department of Agriculture is not to expend over \$25,000.

Mr. RAINEY. Of course, I do not know how much—

Mr. HAUGEN. Let there be set aside \$50,000.

Mr. RAINEY. I am willing to set aside not to exceed \$50,000.

The SPEAKER. The gentleman from Illinois modifies his amendment—

Mr. RAINEY. Add to it not to exceed \$50,000.

Mr. JOHNSON of South Dakota. With the understanding that there will be no further amendment, I accept that.

The SPEAKER. The Chair will say this is entirely irregular proceeding on a motion to suspend the rules.

Mr. TILSON. We can not afford to establish a precedent like this, and I shall have to object if no one else does.

Mr. RAINEY. I hope the gentleman will not object.

Mr. CHINDBLOM. Of course, the motion for unanimous consent can be modified.

Mr. TILSON. Certainly; but it should not add something not considered by any committee whatsoever— [Cries of "Regular order!"]

The SPEAKER. Is there objection to the request of the gentleman?

Mr. TILSON. Mr. Speaker, we can not afford to enter upon the practice of first securing recognition for suspending the rules to pass a bill and then begin to hitch on amendments

touching other things that are in nowise related to the original subject matter. Here is the situation: The Speaker is asked for and gives recognition to suspend the rules to pass a certain bill. The bill is presented here, and then it is desired, as an afterthought, to bring in entirely extraneous matter. It is not fair to the Speaker, and it is not fair to the House.

Mr. RAINEY. May I say that this does not increase the appropriation one dollar. We were waiting for the Senate bill to come over. We never heard of this bill until it was reported out, and it does not increase the appropriation one cent, and I hope the gentleman will not object.

Mr. TILSON. We are now proceeding in an entirely irregular way, and we must not do it, so I object.

The SPEAKER. The Chair will state that in the future he will decline to recognize gentlemen offering amendments under suspension of the rules. Is there objection?

Mr. TILSON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. BLACK of Texas. Mr. Speaker, I realize that the hour is late. It is not my purpose to use very much of the 20 minutes which I have allotted to me under the House rules. The provisions of this bill go entirely beyond what I am able to support. I represent a district that is almost entirely agricultural, and I am always glad to do what I can to aid agriculture in a proper way. I daresay there is never a year when some of the 48 States do not have a partial crop failure either on account of drought or flood. Now, Mr. Speaker, unless the disaster is so overwhelming that the State is unable to cope with it, I do not think that the people of that State ought to come to the Federal Government and ask it to shoulder the burden. Now, let us take the State of Florida, for example. I have no prejudice against the State of Florida. I admire the State of Florida, but when that great disaster befell her people last fall the Red Cross contributed between four and five million dollars to relieve her distress. The Federal Government loaned to some of her distressed farmers between two and three hundred thousand dollars for immediate needs out of the fund in the hands of the Agricultural Department for the eradication of the foot-and-mouth disease.

It was going rather far to make use of that fund in this way; but I supported the recent Senate amendment to ratify the action of the Secretary of Agriculture earnestly, because I thought the demand for relief in the disaster was immediate. But here in this bill we are asked to appropriate \$500,000 more to be loaned to farmers in Florida to purchase fertilizer and citrus fruit nursery stock. Several months have elapsed since the disaster, and I see no reason why the State of Florida is not now able to cope with the situation herself. The State government of Florida has announced that it is so wealthy that it does not need to impose an inheritance tax and boasts of the fact that they have not a single dollar of bonded indebtedness and have \$18,000,000 in the State treasury. Yet we have the precedent of the State of Florida, owing no bonded indebtedness and with a large surplus of cash in the State treasury, asking the Federal Government to advance out of its funds \$500,000 to purchase fertilizer and citrus fruit nursery stock.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. JOHNSON of Washington. Does not the gentleman know that it has become the accepted form throughout all the United States for every State and county to ask for everything they can get in some form from the Federal Government?

Mr. BLACK of Texas. Well, I do not think we have gone quite that far.

Mr. JOHNSON of Washington. Nearly.

Mr. BLACK of Texas. There is certainly a growing tendency to expect the Federal Government to do for the States what the States should do for themselves. In 1925 the State of Texas, which I have the honor to represent in part, had an unprecedented drought in 57 counties of the State. Scarcely a bushel of corn was made; scarcely a bale of hay was made in some of these counties; and certain counties, like Williamson County, which had regularly produced 100,000 bales of cotton or more, fell down to 10,000 bales. The area covered by those 57 counties was perhaps as large as any one of the States involved in this bill. And yet our people did not come to the Federal Government and ask that we loan them money out of the Treasury of the United States. I think they would have had just as good ground to have done so as the States which are to be benefited by the pending bill.

Again I say, in conclusion, that if the disaster were so overwhelming that the people of the States are unable to cope with it, no one would more cheerfully vote in favor of an appropriation to relieve it than I. But there is nothing in these



hearings, there is nothing in these reports, to show that those States affected are not able out of their own resources to deal with the situation. Therefore I feel compelled to oppose the bill. [Applause.]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and the Speaker announced that he was in doubt.

The SPEAKER. Those in favor of the motion of the gentleman from Iowa [Mr. HAUGEN] to suspend the rules and pass this bill will rise and stand until they are counted.

The House divided; and there were—ayes 74, noes 59.

The SPEAKER. Two-thirds having failed to vote in the affirmative, the motion is not agreed to.

Mr. JOHNSON of South Dakota. Mr. Speaker, I challenge the vote on account of the lack of a quorum. I make the point of no quorum.

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that the point comes too late, because the result of the vote has been announced.

Mr. RAMSEYER. The gentleman from South Dakota was on his feet.

The SPEAKER. The Chair will count.

Mr. JOHNSON of South Dakota. There being no quorum, I ask unanimous consent that, the roll call having begun—

Mr. LEHLBACH. Mr. Speaker, a unanimous-consent request can not be preferred while the question of the absence of a quorum is pending.

Mr. JOHNSON of South Dakota. I make the point of no quorum. I object to the vote.

The SPEAKER. The Chair will count.

Mr. JOHNSON of South Dakota. I withdraw the point of no quorum.

The SPEAKER. The gentleman from South Dakota withdraws the point of no quorum.

#### SURVEY OF CALOOSAHATCHEE RIVER DRAINAGE AREA AND LAKE OKEECHOBEE, FLA.

The SPEAKER. The gentleman from Florida [Mr. DRANE] is recognized. The Chair desires to state in the interest of order that the Chair recognizes the gentleman from Florida because he has satisfied the Chair that his matter is a matter of urgency. Otherwise the Chair would not have recognized him to move to suspend the rules and pass the bill. The gentleman from Florida is recognized.

Mr. DRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16622) authorizing a survey of the Caloosahatchee River drainage area in Florida and of Lake Okeechobee and certain territory bordering its shores in Florida. I desire to substitute Senate bill 5499, which is identical with the House bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

That the Secretary of War be, and is hereby, authorized and directed to cause a survey of the Caloosahatchee River drainage area to determine what controlling works are necessary for navigation in connection with flood control and the cost thereof, and also a survey of Lake Okeechobee and certain territory bordering its shores, and from Lake Okeechobee to the Atlantic Ocean to determine what measures are necessary for flood control, such as additional diking and outlets, and further lowering of the levels of Lake Okeechobee.

SEC. 2. The sum of \$45,000, or so much thereof as may be necessary, is hereby authorized to be expended out of any funds heretofore or hereafter appropriated for the improvement of rivers and harbors to carry out the provisions of this act.

The SPEAKER. Is a second demanded?

A second was not demanded.

The SPEAKER. The question is on the motion of the gentleman from Florida to suspend the rules and pass the bill.

The question was taken, and two-thirds having voted in favor thereof the rules were suspended, and the bill was passed.

The SPEAKER. Without objection, House bill 16622 will be laid on the table.

There was no objection.

#### HOUSE OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, in order to give more extended time for the consideration of the legislative appropriation bill, which must be finished to-morrow, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

LXVIII—203

#### CALENDAR WEDNESDAY BUSINESS

Mr. TILSON. Mr. Speaker, I further ask unanimous consent that Calendar Wednesday business for this week be dispensed with in order that the consideration of the McNary-Haugen bill may be begun not later than Wednesday.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business for this week be dispensed with. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, in any part of the gentleman's request did he state that the McNary-Haugen bill had to be taken up not later than Wednesday?

Mr. TILSON. No; I said in order that the McNary-Haugen bill may be taken up.

Mr. BLANTON. But is it not a part of the gentleman's request that it shall be taken up not later than Wednesday?

Mr. TILSON. No; it is one of the reasons for my request.

The SPEAKER. Is there objection?

There was no objection.

#### BIENNIAL INDEX TO STATE LEGISLATION

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 3634, providing for the preparation of a biennial index to State legislation and pass the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 3634 and pass the bill. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Librarian of Congress is hereby authorized and directed to prepare and to report to Congress biennially an index to the legislation of the States of the United States enacted during the biennium, together with a supplemental digest of the more important legislation of the period.

SEC. 2. There is hereby authorized to be appropriated annually for carrying out the provisions of this act the sum of \$30,000, to remain available until expended.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

#### ARTICLE BY W. E. LEE, OF LAKE CHARLES, LA.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to insert in the RECORD an article by W. E. Lee, of Lake Charles, La., on the new port of Lake Charles.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing an article written by W. E. Lee, of Lake Charles, La., on the new port of Lake Charles. Is there objection?

There was no objection.

Mr. LAZARO. Mr. Speaker, under leave granted to extend my remarks, I insert the following article from the Manufacturers' Record of December 30, 1926:

#### LAKE CHARLES, LA., NOW A PORT WITH 30-FOOT CHANNEL TO THE SEA

With appropriate ceremonies, the city of Lake Charles celebrated on November 30 completion of the new port, which cost \$5,000,000 and which brings to realization a prospect that has actively enlisted the community's interest and support for a number of years. Participating in the celebration was the U. S. S. *Cleveland*, Capt. John D. Wainwright, with 17 officers and 380 marines in the crew the vessel remaining in port three days. Among hundreds of distinguished guests were O. H. Simpson, Governor of Louisiana; Maj. Malcolm Elliott, district engineer, U. S. Army; Col. W. J. Wooten, representing Gen. Edgar Jadwin, Chief of Engineers, U. S. Army; Joseph F. Leopold, representing the United States Chamber of Commerce, besides State officials, mayors of various cities, railroad and steamship officials.

While the United States Government cooperated in the work and paid a small part of the cost, the principal burden was assumed by taxpayers of Calcasieu Parish and the money was raised through a bond issue. The new channel is 30 feet deep, with a width of 125 feet on the bottom and from 200 to 260 feet wide at the water line. It connects with the Calcasieu River, which is from 400 to 600 feet wide and 30 to 50 feet deep. A turning basin at the docks is 600 feet by 1,600 feet and 35 feet deep. Vessels coming to the port will enter Sabine Pass. The distance from the Gulf of Mexico to Lake Charles harbor is approximately 75 miles.

Docks and warehouses are of modern construction, the first unit of the former being 800 feet long, 110 feet wide, with two ship-side railroad tracks, two steel and sheet-iron transit sheds, 70 by 300 feet each, with all modern facilities for handling cargo. On the land side of the sheds a depressed railroad track has been constructed, facilitating unloading cargo in and out at car-door level. A terminal railroad connects with five railway lines radiating from Lake Charles to

all parts of the country, draining a large and fertile field. The new port is in the heart of the country's greatest rice belt. Two hundred thousand tons are available of this staple alone for foreign and coast-wise shipping, offering appreciable reductions in freight cost. Lake Charles boasts the largest rice mill in the world.

Channel work has been done under the supervision of Fred Shutts, parish engineer, the funds for this work having been raised by a bond issue and expended under the supervision of H. G. Chalkley, president of the Calcasieu Parish police jury. Elmer Shutts is engineer for the harbor and terminal district and was in direct charge of construction work of the docks and warehouses, which was done at a cost of \$500,000.

The harbor is under the supervision of the board of commissioners of the Lake Charles harbor and terminal district. Guy Beatty, president of the American Press Co., is president of the board, other members being W. P. Weber, vice president; E. R. Kaufman, secretary; Rudolph Krause, treasurer; Frank Roberts and H. J. Luhn, director of the port.

In connection with the port and its facilities, the following contracts were awarded: Railroad embankment, Fred G. Locke, of Lake Charles; wharves, docks, and warehouse structure, Banta-Mutersbaugh (Inc.), of Lake Charles; material for docks was furnished by the Long-Bell Lumber Co., Kansas City, Mo., and included all pilings and treated material; decking, Industrial Lumber Co., of Elizabeth, La.; steel sheds, Knapp & East, of Lake Charles; structural steel, Houston (Tex.) Structural Steel Co., which fabricated and erected it; sheeting was furnished and put on by Blattman-Weisser, of New Orleans, the material being of Armeo ingot iron; roof, Johns-Manville Co., New York; deep well, Layne-Louisiana Co., of Lake Charles; pump equipment, L. S. Valley & Co., of Houston and New Orleans, the equipment consisting of one Dayton-Dowd 1,000-gallons-per-minute centrifugal pump and one 500-gallon-per-minute centrifugal pump, the big fire pump to be motor driven and also gas-engine driven. Power will be furnished by special power line of the Gulf States Utilities Co., which is now under construction; railroad was built by the dock board, which purchased steel ties and did the work with its own labor.

An office-building contract was let to Knapp & East; a 50,000-gallon elevated steel tank to the Pittsburgh-Des Moines Steel Co., of Des Moines Iowa; gravel for railroad ballast and for road surfacing was purchased from the Rapides Gravel Co., of Alexandria, the Pelican Gravel Co., of Lecompte, and the Gifford Gravel Co., of Forest Hill, La.

While the official opening of the port was set for November 30, vessels have been sailing to and from the port of Lake Charles for many months. The first ship to enter was the steamship *Sevilla Point*, a 9,000-ton freighter, arriving here on April 2, 1926, with a cargo of canned goods and other merchandise. More than 150 ocean-going oil tankers and oil barges of two big oil companies have been taking cargoes of crude petroleum, produced in the Lake Charles oil fields, to plants elsewhere for refining and reshipment to all parts of the world.

During the month of November six ocean-going vessels have been in the port, either to discharge or to take cargo for distant points. The United States Shipping Board vessel *Oaksprings* lifted a cargo of rice for Rotterdam, Europe; the U. S. S. *Quincy* discharged cargo, while the steamships *Southlands*, *Genevieve Lykes*, and *Lake Benton* took cargoes of rice for Porto Rico.

Lake Charles is a city of 20,000 population, in southwest Louisiana, approximately 35 miles from the Gulf of Mexico. It is geographically situated to serve American trade with the West Indies and Central and South American ports, and should prove a valuable factor in the expansion of the foreign trade of the United States.

The use to which the deep-sea channel has already been put gives assurance that future developments will make Lake Charles a recognized shipping, commercial, and industrial center.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MOORE of Ohio, for to-day, on account of death in family.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 16576) entitled "An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1928, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. JONES of Washington, Mr. SMOOT, Mr. HALE, Mr. OVERMAN, and Mr. HARRIS.

#### SENATE BILL AND JOINT RESOLUTION REFERRED

Under clause 2 of Rule XXIV, Senate bill and joint resolution were taken from the Speaker's table and referred as indicated below:

S. 4916. An act donating Revolutionary cannon to the New York State conservation department; to the Committee on Military Affairs.

S. J. Res. 156. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Tampa, Fla., in April, 1927; to the Committee on Military Affairs.

#### HOUSE BILLS AND HOUSE JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 10900. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding \$30,000 for the purpose of improving the town's waterworks system;

H. R. 11843. An act to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front, and for other purposes;

H. R. 15649. An act to provide for the eradication or control of the European corn borer; and

H. J. Res. 292. Joint resolution to amend the act entitled "An act granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.," approved May 21, 1926.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House, in accordance with the order heretofore made, adjourned until to-morrow, Tuesday, February 8, 1927, at 11 o'clock a. m.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 8, 1927, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

##### COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Hearing on the President's message asking an appropriation of \$15,000 for an industrial conference to be held at Geneva.

Authorizing the expenditure of certain funds paid to the United States by the Persian Government (S. J. Res. 112).

##### COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the Federal farm loan act (H. R. 15540).

##### COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To clarify and amend existing laws relating to the powers and duties of the auditor for the Philippine Islands, and for other purposes (H. R. 16868).

##### COMMITTEE ON MINES AND MINING

(10.30 a. m.)

To amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended (S. 3641).

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

946. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Caloosahatchee River, Fla., with a view to the control of the floods (H. Doc. No. 690); to the Committee on Flood Control and ordered to be printed.

947. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of St. Johns River, Jacksonville to Sanford, Fla. (H. Doc. No. 691); to the Committee on Rivers and Harbors and ordered to be printed.

948. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Gulfport Harbor, Miss. (H. Doc. No. 692); to the Committee on Rivers and Harbors and ordered to be printed, with two illustrations.



949. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Childrens' Bureau, Department of Labor, for the fiscal year ending June 30, 1926, amounting to \$10,000 (H. Doc. No. 693); to the Committee on Appropriations and ordered to be printed.

950. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the fiscal year 1927 for the Department of the Interior, amounting to \$37,211,500; also an item of proposed legislation affecting an existing appropriation (H. Doc. No. 694); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 16213. A bill concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto; with amendment (Rept. No. 2000). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 16946. A bill to provide additional pay for enlisted men of the United States Navy assigned to duty on submarine vessels of the Navy; without amendment (Rept. No. 2001). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 16973. A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; without amendment (Rept. No. 2007). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 12623. A bill for the relief of the owner of the steamer *Squantum*; with amendment (Rept. No. 1993). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 12625. A bill for the relief of the owner of scow *65H*; with amendment (Rept. No. 1994). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 15181. A bill for the relief of S. K. Truby; without amendment (Rept. No. 1995). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 15867. A bill for the relief of Francis Sweeney; without amendment (Rept. No. 1996). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 111. An act for the relief of the owners of the ferryboat *Oregon*; with an amendment (Rept. No. 1997). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. S. 244. An act for the relief of Elizabeth W. Kieffer; without amendment (Rept. No. 1998). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 115. An act for the relief of the owner of the steamship *Neptune*; with amendment (Rept. No. 1999). Referred to the Committee of the Whole House.

Mr. VINCENT of Michigan: Committee on Claims. S. 179. An act for the relief of J. W. Neil; with amendment (Rept. No. 2002). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. S. 521. An act for the relief of August Michalchuk; without amendment (Rept. No. 2003). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. S. 2594. An act for the relief of Odolon Ramos; with an amendment (Rept. No. 2004). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13157. A bill to allow credits in the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior; without amendment (Rept. No. 2005). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 15807. A bill for the relief of Fred A. Knauf; without amendment (Rept. No. 2006). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 4943) for the relief of George H. Cecil, and the same was referred to the Committee on Agriculture.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 16992) to aid the erection and equipment of a school building in Shiloh National Park; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 16993) to provide for more expeditious settlement of money claims against the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITHWICK: A bill (H. R. 16994) authorizing the acceptance by the Navy Department of a site for an aviation training field in the vicinity of Pensacola, Fla., and for other purposes; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 16995) granting the consent of Congress to John R. Scott, Thomas J. Scott, E. E. Green, and Baxter L. Brown, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 16996) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto, and for other purposes; to the Committee on Insular Affairs.

By Mr. JONES: A bill (H. R. 16997) extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free; to the Committee on Ways and Means.

By Mr. GRAHAM: A bill (H. R. 16998) to amend section 224 of the Judicial Code; to the Committee on the Judiciary.

By Mr. BRAND of Ohio: Joint resolution (H. J. Res. 349) to adopt an official flag code of the United States; to the Committee on the Judiciary.

By Mr. PORTER: Joint resolution (H. J. Res. 350) to provide for the payment of claims of certain German nationals against the United States; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 351) to provide for the expenses of the participation of the United States in the work of the economic conference to be held at Geneva, Switzerland; to the Committee on Foreign Affairs.

By Mr. BUTLER: Resolution (H. Res. 412) for the consideration of H. R. 16973, "A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes"; to the Committee on Rules.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Michigan, regarding the reapportionment of seats in the House of Representatives of the United States to the various States; to the Committee on the Census.

Memorial of the Legislature of the State of Missouri, favoring the making of a national park of the battle field where the Battle of Wilson Creek was fought, on August 10, 1861; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, requesting the making use of all available space at the Fort Snelling Hospital for beds, and that they do not transfer to the hospital the regional office and personnel, and that they maintain until additional beds have been constructed at Hospital No. 101 and Hospital No. 102, either Hospital 65 or 68, in order that disabled service men of Minnesota may be cared for; to the Committee on World War Veterans' Legislation.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Carolina, for enactment of legislation for the relief of the agricultural industry; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of South Carolina, relating to Great Lakes-St. Lawrence deep waterway project; to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 16999) granting a pension to Edward W. Lautsbaugh; to the Committee on Pensions.

By Mr. MEAD: A bill (H. R. 17000) granting an increase of pension to Mary Corcoran; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 17001) granting a pension to Luvicia Gausline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17002) granting an increase of pension to Emma Lou Blandford; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 17003) granting a pension to Katherine Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17004) granting an increase of pension to Clara G. Burtis; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 17005) granting an increase of pension to Marge M. Bear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17006) granting an increase of pension to Minnie A. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17007) granting an increase of pension to Mary A. Farrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17008) granting an increase of pension to Melvina A. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17009) granting an increase of pension to Alice A. Wing; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 17010) granting a pension to James H. Riddle; to the Committee on Pensions.

By Mr. KINDRED: A bill (H. R. 17011) for the relief of William C. Schmitt; to the Committee on Claims.

Also, a bill (H. R. 17012) for the relief of Mrs. Mary McCarthy, Vincent Iarrobino, John Halpin, and others, for the payment of claims for pay, personal injuries, loss of property, and other purposes incident to the blasting of Hell Gate Channel; to the Committee on Claims.

By Mr. KURTZ: A bill (H. R. 17013) granting a pension to Emma S. Freet; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 17014) to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 17015) granting an increase of pension to Mary Dorsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17016) granting an increase of pension to Kate Low; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 17017) granting an increase of pension to Amanda Insell; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 17018) granting an increase of pension to Ella J. Good; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 17019) authorizing the reinstatement of Carl L. Bernau as a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 17020) for the relief of Robert Petross; to the Committee on Naval Affairs.

By Mr. SWEET: A bill (H. R. 17021) for the relief of J. Edward Burke; to the Committee on Claims.

Also, a bill (H. R. 17022) for the relief of Harry Martin; to the Committee on Claims.

Also, a bill (H. R. 17023) for the relief of Albert A. Inman; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6164. By Mr. ALDRICH: Petition of Lareda M. Mitchell, of Coventry, R. I., favoring early action on Civil War pension bill; to the Committee on Invalid Pensions.

6165. By Mr. ANDREW: Petition signed by citizens of Beverly, Mass., favoring the passage of further legislation providing increases in pension for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6166. By Mr. ARNOLD: Petition from citizens of Mason, Ill., recommending the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6167. By Mr. BACON: Petition submitted by the Government Club (Inc.); to the Committee on —.

6168. Also, petition submitted by the Government Club (Inc.); to the Committee on Military Affairs.

6169. Also, petition of Nonintervention Citizens' Committee of New York City; to the Committee on Foreign Affairs.

6170. Also, petition protesting against passage of Sunday observance bill (H. R. 10311); to the Committee on the District of Columbia.

6171. By Mr. BECK: Petition requesting Civil War pension legislation; to the Committee on Invalid Pensions.

6172. By Mr. BERGER: Petition of citizens of the city of Milwaukee, Wis., not to pass House bill 10311, nor any other bill which enforces the observance of the Sabbath or any other religious or ecclesiastical institution or rite, nor to adopt any measure that will in any way give preference to one religion above another; to the Committee on the District of Columbia.

6173. By Mr. BLAND: Petition of citizens of Hampton, Phoebus, and Newport News, Va., urging that immediate steps be taken

to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune, Washington, D. C.; to the Committee on Invalid Pensions.

6174. By Mr. BROWNING: Petition requesting Civil War pension legislation; to the Committee on Invalid Pensions.

6175. By Mr. BURTON: Memorial of Workmen's Sick and Death Benefit Fund, of Cleveland, Ohio, protesting against the passage of any legislation which would establish a card-index system of aliens, through registering, fingerprinting, photographing, etc.; to the Committee on Immigration and Naturalization.

6176. Also, memorial of Hon. Willis M. Baum, member of California State Legislature, 416 South Spring Street, Los Angeles, Calif., indorsing Senate Joint Resolution 9, fixing the commencement of the terms of the President, Vice President, and Members of Congress, and fixing a time for the assembling of Congress; to the Committee on Rules.

6177. By Mr. CAMPBELL: Petition of citizens of Allegheny County, Pa., urging the passage of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6178. By Mr. CRAMTON: Petition of W. P. Ortner and 46 other residents of Tuscola County, Mich., protesting against the passage of House bill 10311, a Sunday observance bill; to the Committee on the District of Columbia.

6179. By Mr. DAVIS: Petition of citizens of Coffee County, Tenn., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6180. By Mr. DICKINSON of Missouri: Petition by 125 citizens of Warrensburg, Mo., urging the immediate passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6181. By Mr. EATON: Petition of Mr. D. N. Messler, 10 West Main Street, Somerville, N. J., and 38 other citizens of Somerset County, urging that immediate steps be taken to bring to a vote the Civil War pension bill and asking support by Members of Congress; to the Committee on Invalid Pensions.

6182. By Mr. EVANS: Petition of citizens of Rollins, Mont., urging legislation in behalf of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6183. By Mr. ROY G. FITZGERALD: Petition of 56 voters of Montgomery County, praying for the passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6184. Also, petition of Los Angeles County Council of the American Legion, asking immediate passage of House bill 4548, for retirement of disabled emergency Army officers of World War; to the Committee on Rules.

6185. By Mr. GALLIVAN: Petition of National Council of Traveling Salesmen's Associations, William G. Adams, secretary, Hotel Pennsylvania, New York, N. Y., urging repeal of the wartime Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6186. By Mr. GARBER: Letters from J. P. Hamilton, 25 Hamilton Heath, Tampa, Fla., and Leroy W. Cooper, Melbourne, Fla., urging enactment of Senate bill 2615, a bill enabling common carriers to carry a blind person and guide for one fare; to the Committee on Interstate and Foreign Commerce.

6187. Also, petition of the National Home Study Council, urging modification of the third-class postal rates as provided for in House bill 13446, so as to approach more nearly the rates that were effective prior to 1925; to the Committee on the Post Office and Post Roads.

6188. Also, letter from Willis M. Baum, member of the California Legislature, urging enactment of Senate Joint Resolution 9, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President, Vice President, and Members of Congress, and fixing a time for the assembling of Congress, and inclosing copy of Assembly Joint Resolution 2, introduced by Mr. Baum in the California State Assembly; to the Committee on Rules.

6189. Also, petition of the Chamber of Commerce of the State of New York, urging the enactment of House bill 5025, or a similar measure, to create a Federal water conservation commission to study the utilization and conservation of rainfall and prepare a national policy in respect thereto, in order that the surplus drainage of the country may not result in floods or otherwise be wasted, but may be controlled for use in irrigation, water power, inland waterways, etc., to the benefit of agricultural, commercial, and national welfare; to the Committee on Flood Control.

6190. Also, petition of the Chamber of Commerce of the State of New York, urging reduction of income-tax rate levied on corporations; to the Committee on Ways and Means.

6191. Also, petition of the Chamber of Commerce of the State of New York, urging the enactment of legislation to provide an



adequate military post on Governors Island for the protection of New York City; to the Committee on Military Affairs.

6192. Also, petition of the National Council of Traveling Salesmen's Associations of America, the United Commercial Travelers of America, and the Commercial Travelers Mutual Association of America, assembled in joint session in the city of New York, January 6, 1927, urging the enactment of Senate bill 1143, amending section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

6193. Also, petition of Cactus Chapter, No. 2, and Tucson Chapter, No. 4, Disabled American Veterans of the World War, urging enactment of House bill 16019, to remove the discrimination against veterans (other than those totally or permanently disabled) who are being maintained by the bureau in an institution of any description, and who are without wife, child, or dependent parents, by repealing the provision of paragraph 7, section 202, of the disabled American veterans' relief act, whereby such veterans' monthly rate of compensation shall not exceed \$40; to the committee on World War Veterans' Legislation.

6194. By Mr. HICKEY: Petition of Mrs. Sarah Jane Carter and other citizens of Goshen, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6195. By Mr. KELLER: Petition signed by Richard M. Wales and other citizens of Minnesota, urging the enactment of legislation for the further relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6196. By Mr. KIESS: Petition from citizens of Lycoming County, Pa., favoring the passage of bill to increase the pensions of widows of Civil War soldiers; to the Committee on Invalid Pensions.

6197. By Mr. KINDRED: Resolution adopted by the board of aldermen, city of New York, memorializing Congress to pass bill helping veterans to get loans on soldiers' bonus certificates; to the Committee on World War Veterans' Legislation.

6198. Also, resolution of the board of directors of the New York State Federation of Women's Clubs, urging the maintenance of the Army of the United States in accord with the provisions of the national defense act of 1920; to the Committee on Military Affairs.

6199. Also, resolution of Nonintervention Citizens Committee, of New York City, N. Y., urging the passage of Senate Resolution 309; also urging the Senate Committee on Foreign Affairs to report favorably Senate Resolution 319; to the Committee on Foreign Affairs.

6200. By Mr. KVALE: Petition of the St. Paul Real Estate Board, urging the President to commence negotiations with the Dominion of Canada for the purpose of securing a treaty which will make possible the Great Lakes-St. Lawrence waterway; to the Committee on Rivers and Harbors.

6201. By Mr. LEAVITT: Petition of numerous citizens of Great Falls, Mont., urging early enactment of radio-control legislation; to the Committee on the Merchant Marine and Fisheries.

6202. By Mr. LUCE: Petition of citizens of Framingham, Mass., urging early enactment of legislation increasing pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6203. By Mr. MAJOR: Petition of citizens of Sedalia, Mo., urging immediate passage of Civil War pension bill, providing increase of pensions for needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6204. By Mr. MANLOVE: Petition of Mr. James Cross, Mrs. M. C. Holman, and 84 other citizens of Joplin, Mo., urging the passage of legislation for the benefit of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6205. By Mr. MARTIN of Louisiana: Petition of sundry citizens of the State of Louisiana, favoring the increase of pensions to soldiers and sailors of the Civil War and their widows; to the Committee on Invalid Pensions.

6206. By Mr. MEAD: Petition of employees of public library at Buffalo, N. Y., favoring the passage of House bill 7479, the migratory bird refuge bill; to the Committee on Agriculture.

6207. By Mr. MICHENER: Petition of residents of Jackson, Mich., protesting against the passage of House bill 10311, known as the Sunday observance bill; to the Committee on the District of Columbia.

6208. Also, petition of several citizens of Ann Arbor, Mich., asking that certain pension laws be amended; to the Committee on Invalid Pensions.

6209. By Mr. Moore of Virginia: Petition of citizens of Virginia, favoring increases of pension to soldiers and sailors of the Civil War and their widows; to the Committee on Invalid Pensions.

6210. By Mr. NELSON of Missouri: Petition signed by W. R. Wilson and others, as against House bill 10311; to the Committee on the District of Columbia.

6211. Also, petition signed by Mrs. L. B. Jones and others, in behalf of the Civil War increase pension bill; to the Committee on Invalid Pensions.

6212. By Mr. NEWTON of Minnesota: Resolution adopted by the St. Paul Real Estate Board, urging the President to commence, at the earliest possible date, negotiations with Canada for the purpose of securing a treaty which will make possible the Great Lakes-St. Lawrence waterway; to the Committee on Foreign Affairs.

6213. By Mrs. NORTON: Petition of citizens of Jersey City, N. J., favoring the passage of increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6214. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, favoring military protection for the city of New York; to the Committee on Military Affairs.

6215. Also, petition of the California Legislature, favoring the passage of Senate Joint Resolution 9 to amend the Constitution of the United States fixing the commencement of the term of President, Vice President, Members of Congress, and fixing a time for the assembling of Congress; to the Committee on the Judiciary.

6216. Also, petition of the Chamber of Commerce of the State of New York, favoring the creation of a Federal waterways and water resources commission; to the Committee on Rivers and Harbors.

6217. Also, petition of the Chamber of Commerce of the State of New York, favoring reduction of Federal corporation taxes; to the Committee on Ways and Means.

6218. Also, petition of A. P. Walker, president Standard Milling Co., opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6219. Also, petition of B. H. Wunder, president New York Produce Exchange, opposing the passage of House bill 15474, farm relief bill; to the Committee on Agriculture.

6220. Also, petition of the Board of Aldermen of the City of New York, favoring legislation for veterans to get loans on their adjusted-compensation certificates; to the Committee on World War Veterans' Legislation.

6221. Also, petition of the National Council Traveling Salesmen's Associations, favoring the passage of Senate bill 1143, amending section 1 of the interstate commerce act, for the repeal of surcharge; to the Committee on Interstate and Foreign Commerce.

6222. Also, petition of Cactus Chapter No. 2 and Tucson Chapter No. 4, Tucson, Ariz., Disabled American Veterans of the World War, favoring the passage of House bill 16019; to the Committee on World War Veterans' Legislation.

6223. By Mr. O'CONNOR of New York: Resolution adopted by the board of aldermen of the city of New York, memorializing the Congress to pass the bill helping the veterans of the World War to obtain loans on soldiers' bonus certificates; to the Committee on World War Veterans' Legislation.

6224. Also, resolution and petition of the National Council of Traveling Salesmen's Associations, asking the repeal of the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6225. By Mr. PATTERSON: Petition of residents of Camden County, N. J., urging increase of pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6226. By Mr. PEAVER: Petition by Damiam Geier and others, of Tony, Wis., and W. M. Dwinells and others, of Hayward, Wis., urging legislation providing for the liberalization of the pension laws for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6227. By Mr. RAINEY: Petition of Mrs. L. J. Dixon and 13 other citizens, of Golden Eagle, Ill., favoring Civil War pension bill carrying rates approved by National Tribune; to the Committee on Invalid Pensions.

6228. By Mr. RAMSEYER: Petition of residents of Oskaloosa, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6229. Also, petition of residents of Montezuma, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6230. By Mr. REED of New York: Petition of citizens of Ceres, N. Y., urging passage of a Civil War pension bill (petition not attached); to the Committee on Pensions.

6231. By Mr. ROBINSON of Iowa: Petition from the Citizens of Earlville, Delaware County, Iowa, against interference by the United States in Mexico or Nicaragua; to the Committee on Foreign Affairs.

6232. By Mrs. ROGERS: Petition of William J. Brigando, John J. McDermott, and Gregory M. Powers, jr., against the reduction of compensation payments to veterans of the World War who are hospitalized in Veterans' Bureau hospitals subsequent to June 30, 1927; to the Committee on World War Veterans' Legislation.

6233. By Mr. ROMJUE: Petition of S. B. Shackelford, L. R. Jennings, and other residents of Lewis County, Mo., requesting legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6234. By Mr. SCHNEIDER: Petition of voters of Appleton, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6235. Also, petition of voters of Seymour, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6236. Also, petition of voters of Marinette, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6237. By Mr. SHREVE: Petition for the passage of pension legislation for the relief of Civil War veterans and widows of veterans by daughters of Civil War veterans who are residents of Erie, Pa.; to the Committee on Invalid Pensions.

6238. Also, petition of about 40 citizens of Erie, Pa., asking for the immediate passage of the Elliott pension bill for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6239. By Mr. THURSTON: Petition by the Clinton (Iowa) Chamber of Commerce, requesting enactment of measure to increase tariff upon molasses, etc.; to the Committee on Ways and Means.

6240. Also, petition of citizens of Centerville, Iowa, and vicinity, in favor of Civil War pension legislation; to the Committee on Invalid Pensions.

6241. Also, petition of citizens of Lorimor, Iowa, and vicinity, in favor of Civil War pension legislation; to the Committee on Invalid Pensions.

6242. By Mr. TILLMAN: Petition of various citizens of Arkansas, asking for increase in pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6243. By Mr. VOIGT: Petition of Mrs. George Gould and 32 other residents of Sheboygan, Wis., urging increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

## SENATE

TUESDAY, February 8, 1927

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Heavenly Father, lover of our souls and constantly interested in our welfare, we come this morning grateful for the goodness of the past but still hungering and thirsting after the best things in view of the future. Hear us, we beseech of Thee; accept our thanksgiving and enable us to walk in paths of righteousness, to the glory of Thy great name. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday, February 5, 1927, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 3634. An act providing for the preparation of a biennial index to State legislation;

S. 4942. An act to authorize an appropriation for the purchase of certain privately owned land within the Jicarilla Indian Reservation, N. Mex.;

S. 5499. An act authorizing a survey of the Caloosahatchee River drainage area in Florida, and of Lake Okeechobee and certain territory bordering its shores in Florida; and

S. J. Res. 141. Joint resolution to approve a sale of land by one Moshulatubba or Mushulatubbe on August 29, 1832.

The message also announced that the House had passed the bill (S. 4411) granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills severally with amendments, in which it requested the concurrence of the Senate:

S. 4663. An act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings;

S. 4727. An act to provide for the widening of Nichols Avenue, between Good Hope Road and S Street SE., in the District of Columbia; and

S. 5197. An act to authorize an appropriation for reconnaissance work in conjunction with the Middle Rio Grande conservancy district to determine whether certain lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians are susceptible of reclamation, drainage, and irrigation.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6246. An act to establish a national military park at the battle field of Stones River, Tenn.;

H. R. 9640. An act to add certain lands to the Shoshone National Forest, Wyo.;

H. R. 10510. An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them;

H. R. 11278. An act to authorize the erection of a statue of Henry Clay;

H. R. 12851. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 13444. An act amending section 4031 of the Revised Statutes of the United States to enable postmasters to designate one or more employees to perform duties for them during their absence, including the signing of checks in the name of the postmaster;

H. R. 13503. An act authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States;

H. R. 14242. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works at Quantico, Va.;

H. R. 14842. An act granting the consent of Congress to the Pomeroy-Mason Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of Mason, Mason County, W. Va., to a point opposite thereto in the city of Pomeroy, Meigs County, Ohio;

H. R. 14920. An act to amend an act entitled "An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio," approved May 7, 1926;

H. R. 14930. An act granting the consent of Congress to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of St. Marys, Pleasants County, W. Va., to a point opposite thereto in Washington County, Ohio;

H. R. 15284. An act to authorize the Secretary of the Interior to negotiate with irrigation districts, drainage districts, and water users' associations for release from obligation to construct drainage works, and for corresponding reduction in contract obligations of such districts and associations;

H. R. 15541. An act to authorize the exchange of certain land between the United States and the District of Columbia;

H. R. 15602. An act to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States";

H. R. 15603. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 15652. An act to fix the age limit for training in the first year's course in citizens' military training camps;